



**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, March 17, 2011**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

### 2. APPROVAL OF PRIOR MINUTES OF FEBRUARY 17, 2011.

### 3. OLD BUSINESS

### 4. NEW BUSINESS

- A. \* Z 11-04 George & Christine Trojan, 3 Smith Well Road, Tax Map D, Lot 62, zoned R-12, requests a dimensional Variance from the terms of Article IV, Section 170-12.B and the R-12 Table of Uses, to construct an addition (expand garage) within eleven (11) feet from a front property line, where a minimum of twenty-three (23) feet is required.
- B. \* Z 11-05 J Management Inc. (Applicant: Michael Hagan), 32 Crosby Road, Tax Map G, Lot 31-3, zoned I-2, requests a Special Exception as provided by the terms of Article VI, Section 170-18 & Article XII, Section 170-52.C.3 and the I-2 Table of Uses – Special Exception criteria, to establish an auto service facility in units 3 & 4.
- C. \* Z 11-06 Douglas MacDonald, 17 Littleworth Road, Tax Map H, Lot 22-A, zoned R-20, requests a use Variance from the terms of Article IV, Section 170.11.D and Article II, Section 170-6 definition of Customary Home Occupation (CHO) to allow an expanded Office Use without owner occupation and other CHO criteria.

### 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](http://www.dover.nh.gov), a map showing project locations can be found at [www.dover.nh.gov/planhome.html](http://www.dover.nh.gov/planhome.html). Follow us on Twitter @DoverNHPlanning and find us on Facebook at [www.facebook.com/pages/Dover-NH/City-of-Dover-NH-Planning/446789895351](https://www.facebook.com/pages/Dover-NH/City-of-Dover-NH-Planning/446789895351)



**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, February 17, 2011**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

**Members Present:** Sam Reid (Chair), William Colbath (Vice Chair), Frank Landford, Jennifer Stone (Alternate), Joshua Cote (Alternate)

**Members Not Present:** Chris Prior, Otis Perry, Jim Kelley

**Staff Present:** Bruce Woodruff (Zoning Administrator), Lisa Ertle (Recording Secretary)

S. Reid noted that he would not be present at the March ZBA Meeting.

### 2. APPROVAL OF PRIOR MINUTES OF JANUARY 20, 2011.

**Motion:** F.Landford made the motion to approve the minutes. W.Colbath seconded. Vote: U/A

### 3. OLD BUSINESS

Bruce Woodruff mentioned the LGC publications and suggested that the new members receive copies.

### 4. NEW BUSINESS

- A. \* Z 11-03 Edward Heaphy, 19 Leighton Road, Tax Map 8, Lot 25-B, zoned R-20, requests a Variance from the terms of Article II, Section 170-6, Definition of Lot; to build a single family house, while allowing the existing house to remain and be occupied until the new dwelling is completed, upon which time the existing structure shall be demolished.

Edward Heaphy, 9 Heaphy Lane, applicant, stated that his daughter and husband are living in the existing home. Upon completion of the new dwelling, they would demolish the existing structure.

F.Landford confirmed where Mr. Heaphy resided in relation to this property. Mr. Heaphy stated that he was holding on to this lot and the dwelling, so that one of his children could build a new home at this location.

M.Moisan approached the podium and stated that she is Mr. Heaphy's daughter. The home is a modular and would be a 6-8 week delivery. They are intending on being in the home by summer. A photo replica was passed around showing what the new dwelling would look like.

W.Colbath and B.Woodruff discussed the previous variance on this property.

F.Landford confirmed with Mr. Heaphy that he would agree on a one year time period to demolish the existing structure.

Public Hearing Opened – nobody spoke.

B.Woodruff stated that the reason for staff recommendations, which is supporting this request, will eliminate the need for temporary housing for the family, and makes sense so long as the demolition of the older structure has a date specific stipulated. The residential lot will be in keeping with the neighborhood because this condition is temporary, and will not create a liability or nuisance for the



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT - MINUTES

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Meeting Time: **7:00 pm**

neighborhood. The spirit and intent of the zoning ordinance will be retained, as the lot will remain single family (low density) once the older structure is demolished. The ordinance creates the hardship because there is no language that specifically allows this temporary condition to happen, even though it makes sense and it is reasonable.

Public Hearing Closed

S.Reid confirmed with Mr. Heaphy that they intend on having a modular home delivered and put on a foundation this summer and would plan on moving in immediately. S.Reid noted that it makes sense that the existing structure be demolished in about 90 days after certificate of occupancy (CO) is issued for the home, but no longer than a year. Discussion continued regarding the condition.

**Motion:** W.Colbath made the motion to grant the variance with the condition that the existing house be demolished at the earlier of one year or 90 days after a CO is issued for the new residence. F.Landford seconded. Vote: U/A

### **Findings of Fact:**

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

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

B.Woodruff updated the Board on the zoning changes and stated that they have made progress with the build-to line and if it applied to lots that have pre-existed the change. The other changes are being addressed that Mr. Parker spoke about at last months meeting. Those changes will be moving forward to the Planning Board in an informal way, February 22, 2011 and then brought to a workshop session in March.

S.Reid thanked L.Ertle for her service to the Board and wished her the best of luck.

### **6. ADJOURN**

**Motion:** W.Colbath made the motion to adjourn at 7:20 pm. F.Landford seconded. Vote: U/A



**CITY OF DOVER**

## ZONING BOARD - STAFF MEMO FILE #Z11-04

Application Type:	Dimensional Variance
Applicant(s):	George & Christine Trojan
Owner(s):	George & Christine Trojan
Location:	3 Smith Well Road (Assessor's Map D, Lot 62)

**INTENT:** To obtain a Variance to allow an eleven (11) foot front setback for the construction of a garage addition and a future deck and addition, where twenty-three (23) ft front setback is required.

**LOTS/UNITS PROPOSED:** 0 Lots

**AGENDA ITEM #:** 4-A

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Single Family

**PROPOSED LAND USE:** Single Family

**SURROUNDING LAND USE:** Single family

**PREVIOUS ZBA ACTION:** None

**PB APPROVAL REQUIRED:** No

**ATTACHMENT:** None

**APPLICATION IS COMPLETE:** Yes

**NOTICES AS REQUIRED:** Yes

**STAFF RECOMMENDATION:**  
The Planning Department supports the request.



**Subject Property**

### Summary of Request and Background

The applicant's property is located at the corner of Smith Well Road and Barry Street, therefore the property has two frontages, one sideline and one rear line for setback purposes. The applicant wishes to reduce the front setback requirement on the Barry Street side from the neighborhood (500 ft.) average to 11 ft in order to be able to expand their one car garage and build a deck and house addition in future using said setback. The subject property is located in a neighborhood of residential structures that are relatively close to the front street lines.

### Reason for Staff Recommendation

The requested action is consistent with the Master Plan which guides development in the City of Dover.

Because this lot has a lot width less than 110 ft, the sideyard setbacks are 10 ft, but since it is a corner lot, it has two frontages and therefore two front setback requirements, which coupled with its smaller area, make it different than almost all other lots in the neighborhood.

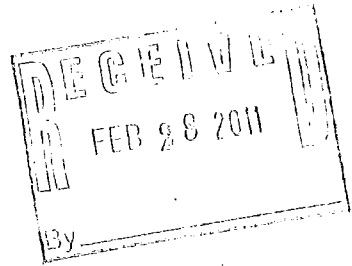
### Recommendation

The Planning Department recommends the Zoning Board accept the application, hold the public hearing. If the Board approves the variance, staff does not suggest any conditions.



**Neighbor across street**

CASE # 211-04 DATE RECEIVED \_\_\_\_\_  
 AMOUNT PAID \$ 216.00 TIME RECEIVED \_\_\_\_\_  
 CK# 5560



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

I. APPLICANT George + Christine Trojan PHONE #: 749-7340  
 ADDRESS 3 Smith Well Rd Dover NH 03820  
 PROPERTY OWNER George + Christine Trojan  
 ADDRESS 3 Smith Well Rd  
 PROPERTY LOCATION Dover NH 03820  
 BRIEF DIRECTIONS Central Ave, Glenwood Ave, Smith Well Rd  
 ZONE R12 ASSESSOR'S MAP D0062-00000 LOT #(S) D-62  
D2

TYPE OF APPEAL: (Please check off one)

- VARIANCE ARTICLE IV SECTION 17D-12 B
- VARIANCE (Physical Disability - RSA 674:33-V) ARTICLE \_\_\_\_\_ SECTION and R-12 Table
- SPECIAL EXCEPTION ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_
- ADMINISTRATIVE DECISION ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_
- EQUITABLE WAIVER ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_

Describe briefly your plans for this property:

Expansion of existing garage (front left); future deck and addition on rear. In order to accomplish, we need a setback variance to build within 11 feet of the front property line.

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>
<b>TOTAL</b>	<b>\$ <u>216.00</u></b>

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.

The spirit of the variance is fair to traditional lots, however our property is a corner lot. Our corner lot yield two fronts and this classification is hindering our projects.

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

1 Smith Well Rd has a garage (which is attached) that is 3 feet from the property line. They have the same lot restrictions that we do.

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

Our existing garage is in sound structuraly, and we would like to add a master bedroom onto the first floor.

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

We believe that our property adds value to the neighbor hood, and adding / fixing our garage will only improve it.

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

corner lot, 2 fronts do not allow us to alter a garage

(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.

Our car cannot fit into the current garage; it is too small.

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.

If we follow the rules given our current set backs, we cannot expand on our house or garage and this is the result of ours being a corner lot with 2 fronts.

**SPECIAL EXCEPTION REQUIREMENTS**

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

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

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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.

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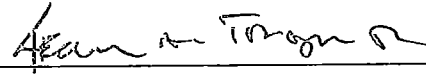
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**THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS**

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

<b>IMPORTANT</b>
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

<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







**CITY OF DOVER**

## ZONING BOARD – STAFF MEMO FILE: Z11-05

<b>Application Type:</b>	Special Exception for Auto Service Facility
<b>Applicant:</b>	Michael Hagan (Doc's Auto Care, LLC)
<b>Owner:</b>	J Management, Inc.
<b>Location:</b>	32 Crosby Road, Units 3 & 4 (Tax Map G, Lot 31-3)

**INTENT:** To obtain a Special Exception from Chapter 170-18 and Chapter 170-52-C-3 for Auto Service establishment

**LOTS/UNITS PROPOSED:** 0

**AGENDA ITEM #:** 4-B

**ZONING DISTRICT:** I-2

**EXISTING LAND USE:** Industrial, Wholesale, Warehousing, subject units currently vacant

**PROPOSED LAND USE:** auto repair/service

**SURROUNDING LAND USE:** Industrial, Wholesale, Warehousing,

**PREVIOUS ZBA ACTION:** Special Exception for Auto Service granted, but lapsed after 12 month+ vacancy

**ATTACHMENTS:** none

**PB APPROVAL REQUIRED:** No.

### PLANNING DEPARTMENT

**COMMENTS:** The property is located in an I-2 district located off Littleworth Rd on Crosby Rd. The applicant has provided narrative justification and data supporting the specific and general conditions that must be met for the granting of a Special Exception.

### PLANNING DEPARTMENT

#### RECOMMENDATION:

Planning has reviewed these data and narratives and finds them to be acceptable and in compliance with the Special Exception

conditions, and therefore **recommends the granting of the special exception.**

#### PROPOSED CONDITIONS OF APPROVAL:

The applicant shall service a maximum of two vehicles at any one time within the building. There shall be no more than five (5) vehicles on the site (parking lot) at any one time. These were either stipulations from the owner or conditions from the previous Special Exception granted in 2005.

#### SPECIAL EXCEPTION CRITERIA:

Is the requested use essential or desirable to the public convenience or welfare?

( X ) Yes ( ) No

Will the requested use not create undue traffic congestion, or unduly impair pedestrian safety?

( X ) Yes ( ) No

Will the requested use 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?

( X ) Yes ( ) No

Will property values of adjacent land not be compromised?

( X ) Yes ( ) No

Does the lot contain a minimum of 60,000 sq. ft. land area? It is 219,978 sq. ft.

( X ) Yes ( ) No

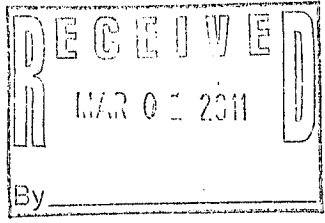
Does the lot have a minimum of 150 ft. of lot width (frontage)? It is 400 ft.

( X ) Yes ( ) No

Does the proposal depict that at least 25% of the lot will be open/green space? It is 61% green space.

( X ) Yes ( ) No

CASE # 211-05 DATE RECEIVED 3/1/2011  
 AMOUNT PAID \$ 216.00 TIME RECEIVED \_\_\_\_\_  
 CK# 0545



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

I. APPLICANT Michael S. Hagan (Doc's Auto Care) LLC PHONE #: 603 812 5402  
 ADDRESS 1 Lily Pond rd Somersworth, NH 03878  
 PROPERTY OWNER J Management Inc.  
 ADDRESS 32 Harriman Hill Rd Raymond, NH 03077  
 PROPERTY LOCATION 32 Crosby Rd Units 3/4 Dover, NH 03820  
 BRIEF DIRECTIONS Rte. 16 exit 8 West to Rte 9. Left on  
Crosby rd, Building on Left  
 ZONE I-2 ASSESSOR'S MAP G LOT #(S) 31-3

TYPE OF APPEAL: (Please check off one)

\_\_\_\_\_ VARIANCE ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_  
 VARIANCE (Physical Disability - RSA 674:33-V) ARTICLE VI SECTION 170-18  
 SPECIAL EXCEPTION ARTICLE VII (B) SECTION 170-23 (B)  
 \_\_\_\_\_ ADMINISTRATIVE DECISION and ARTICLE XII SECTION 170.52 C(3)  
 \_\_\_\_\_ EQUITABLE WAIVER ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_

*I-2 Table of uses - special exception*

Describe briefly your plans for this property:

Doc's Auto Care is a new start up automotive service facility.  
I have spoken with Tom Clark about the existing oil/water separator  
and fire code compliance. The facility is 2500± sq.ft. and used  
by a previous occupant for automotive service with a special exception  
granted by the City of Dover. Prior special exception was approved in 2005.  
The special exception lapsed and must be renewed for this use.

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	\$ _____
\$100.00 SPECIAL EXCEPTION	\$ <u>100</u>
\$25.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ _____
\$100.00 EQUITABLE WAIVER	\$ _____
- D. Certified letters fee:
 

# of abutters <u>6</u> X \$8.00 =	\$ <u>48</u>
Applicant & Owner <u>2</u> X \$8.00 =	\$ <u>16</u>
Foster's newspaper public notice	\$ <u>60.00</u>
<b>TOTAL</b>	<b>\$ <u>216.00</u></b>

**SPECIAL EXCEPTION REQUIREMENTS**

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

Doc's Auto Care LLC will provide quality auto repair to the public. It will create 5 new jobs over the next 2 years. The owner of Doc's Auto Care LLC is owned and operated by Michael Hagen, a life long NH resident, and an Afghanistan War Veteran, and will provide discounts to all who have served in the military, Past and Present.

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

Traffic will be minimally impacted because this business can not process more than 20 vehicles a day, coming and going at various times throughout the day. We also have the capability to bring a customers car to them, reducing the number of vehicle on the premises.

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 unit has an oil/water seperator. The only water/sewer needs are of the bathroom and the hand washing sink. This will only require 30-40 gallons per week. All hazardous materials will be handled and stored according to EPA regulations and disposed of by a firm that specifically handle these materials. Contact with disposal company will be made prior to start up.

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**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.

<b>IMPORTANT</b>
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 Hagen  
Signature of Applicant\*

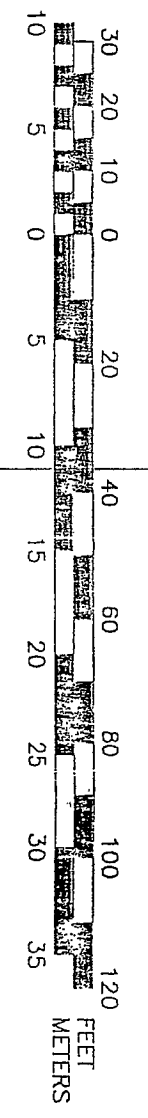
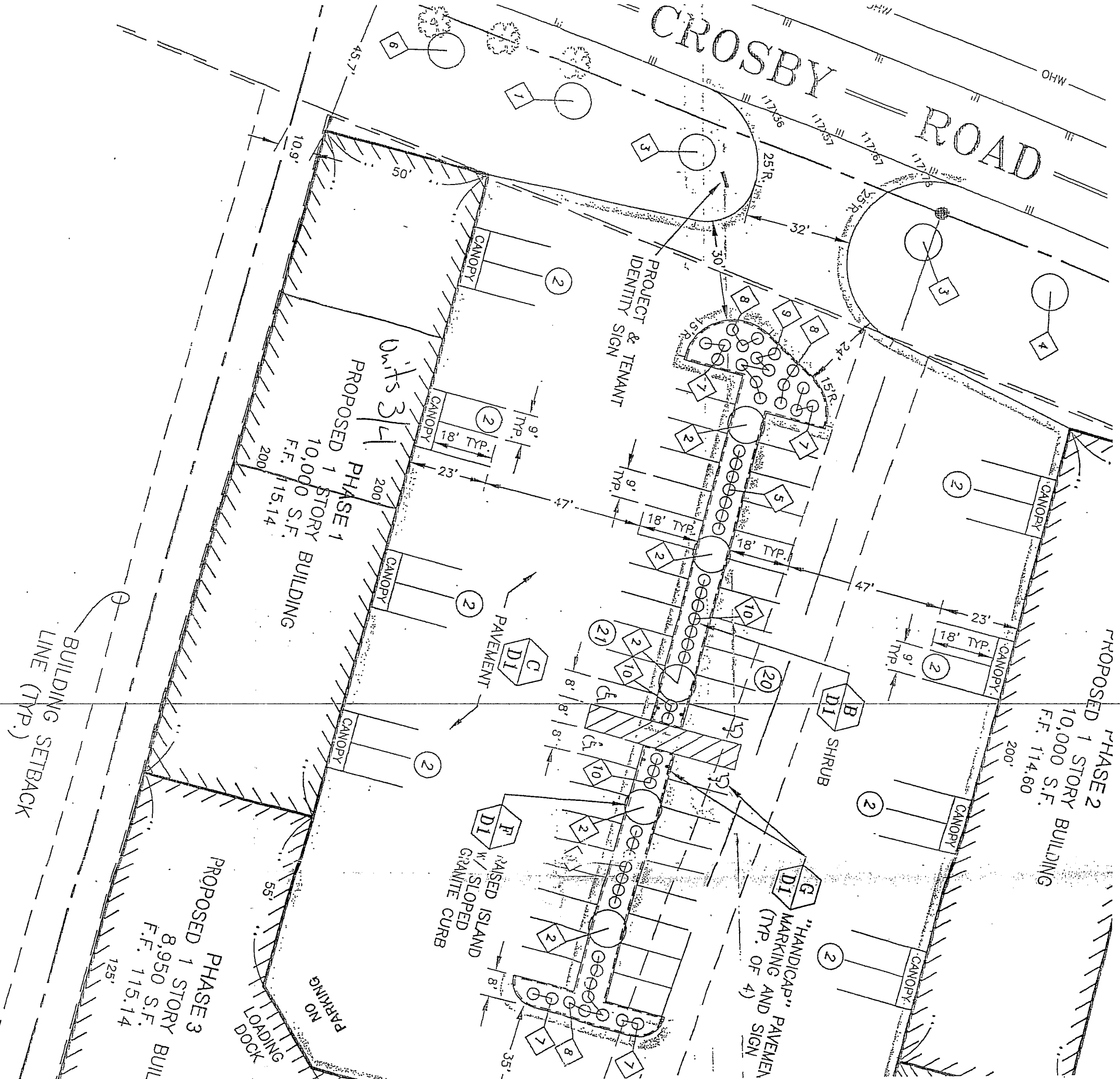
Lee Jewell  
Signature of Owner\*

\*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



# CROSBY ROAD





**CITY OF DOVER**

## ZONING BOARD - STAFF MEMO FILE #Z11-06

Application Type: Use Variance  
 Applicant(s): Douglas MacDonald  
 Owner(s): Douglas MacDonald  
 Location: 17 Littleworth Road (Assessor's Map H, Lot 22A)

**INTENT:** To obtain a Use Variance to allow an office use in the R-20 zone where no office is permitted by right.

**LOTS/UNITS PROPOSED:** 0 Lots

**AGENDA ITEM #:** 4-C

**ZONING DISTRICT:** R-20

**EXISTING LAND USE:** Residence with legal Customary Home Occupation of office

**PROPOSED LAND USE:** Office, with possible residential rental.

**SURROUNDING LAND USE:** single family homes, businesses across street

**PREVIOUS ZBA ACTION:** None

**PB APPROVAL REQUIRED:** TRC

**ATTACHMENT:** No.

**APPLICATION IS COMPLETE:** Yes

**NOTICES AS REQUIRED:** Yes

**STAFF RECOMMENDATION:**  
The Planning Department's position on this application is a neutral one.

### Summary of Request and Background

A use variance is needed for the applicant to use the property as an office use exclusively, with the possibility of one residential rental. Once the owner is no longer the resident, a home occupation no longer applies.

### Reason for Staff Recommendation

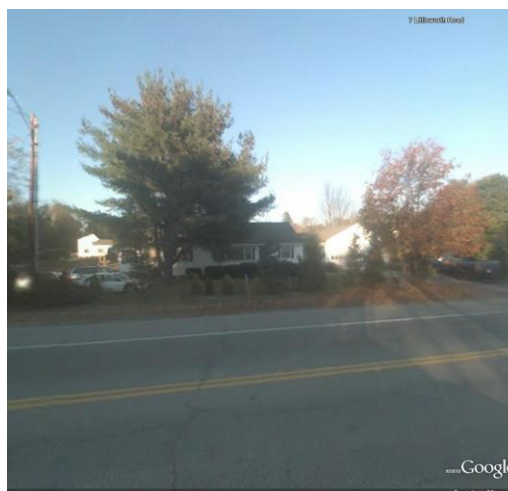
Since this is an R-20 zone on the north side of Littleworth Road, and the neighborhood is comprised entirely of residential homes, a reasonable use for this lot seems to be residential and not commercial. However, if one accepts the argument that the property is not integral with the residential neighborhood, and is more a "high-volume highway" lot, across the street from a commercial zone and businesses, then

special circumstances and hardship may be seen. However, there are other examples of residences along this state highway that still exist and are viable. Therefore, it is the staff recommendation to remain on the fence on this request.

### Recommendation

The Planning Department recommends the Zoning Board ask the applicant to stipulate exactly what the use is proposed to be in the application; strictly office use or office use with an apartment so the Board may more closely adjudicate the application.. If the Board approves the variance, staff suggests the following condition:

1. That the applicant submits a change of use application to the Technical Review Committee. The committee may decide to send the applicant to the Planning Board for Site Review Approval (or not).



CASE # 211-06 DATE RECEIVED 3/2/11  
 AMOUNT PAID \$ 216.00 TIME RECEIVED \_\_\_\_\_

CK # 836

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

I. APPLICANT Douglas MacDonald PHONE #: 603-749-6103  
 ADDRESS 17 Littleworth Rd. Dover NH 03820  
 PROPERTY OWNER Douglas MacDonald  
 ADDRESS 17 Littleworth Rd. Dover NH 03820  
 PROPERTY LOCATION 17 Littleworth Rd. Dover NH 03820  
 BRIEF DIRECTIONS Intersection of Rt. 9 + Rt. 155 directly off  
Rt. 16 Exit 8W. Across the street from John Deere  
 ZONE R20 ASSESSOR'S MAP MAP H LOT #(S) 22A

TYPE OF APPEAL: (Please check off one)

- |  |                   |                                      |
|--|-------------------|--------------------------------------|
| <input checked="" type="checkbox"/> VARIANCE     | ARTICLE <u>II</u> | SECTION <u>170-6 Customary</u>       |
| <input type="checkbox"/> SPECIAL EXCEPTION       | ARTICLE _____     | SECTION <u>Defin of Home Occupan</u> |
| <input type="checkbox"/> ADMINISTRATIVE DECISION | ARTICLE <u>IV</u> | SECTION <u>170-11 D</u>              |
| <input type="checkbox"/> EQUITABLE WAIVER        | ARTICLE _____     | SECTION <u>R-20 Table of Uses</u>    |

Describe briefly your plans for this property:

This variance is to obtain relief from definition of  
Customary home occupation; specifically, the need for it  
to be owner occupied. The goal is utilize entire space  
for general and/or professional office space only.

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (12 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 <u>\$5.32</u> = <u>31.92</u>    | \$ <u>48.00</u> |
| Applicant & Owner <u>1</u> X <u>\$5.32</u> = <u>5.32</u> | \$ <u>8.00</u>  |
| Foster's ad  | \$ <u>60.00</u> |

TOTAL \$ 216.00



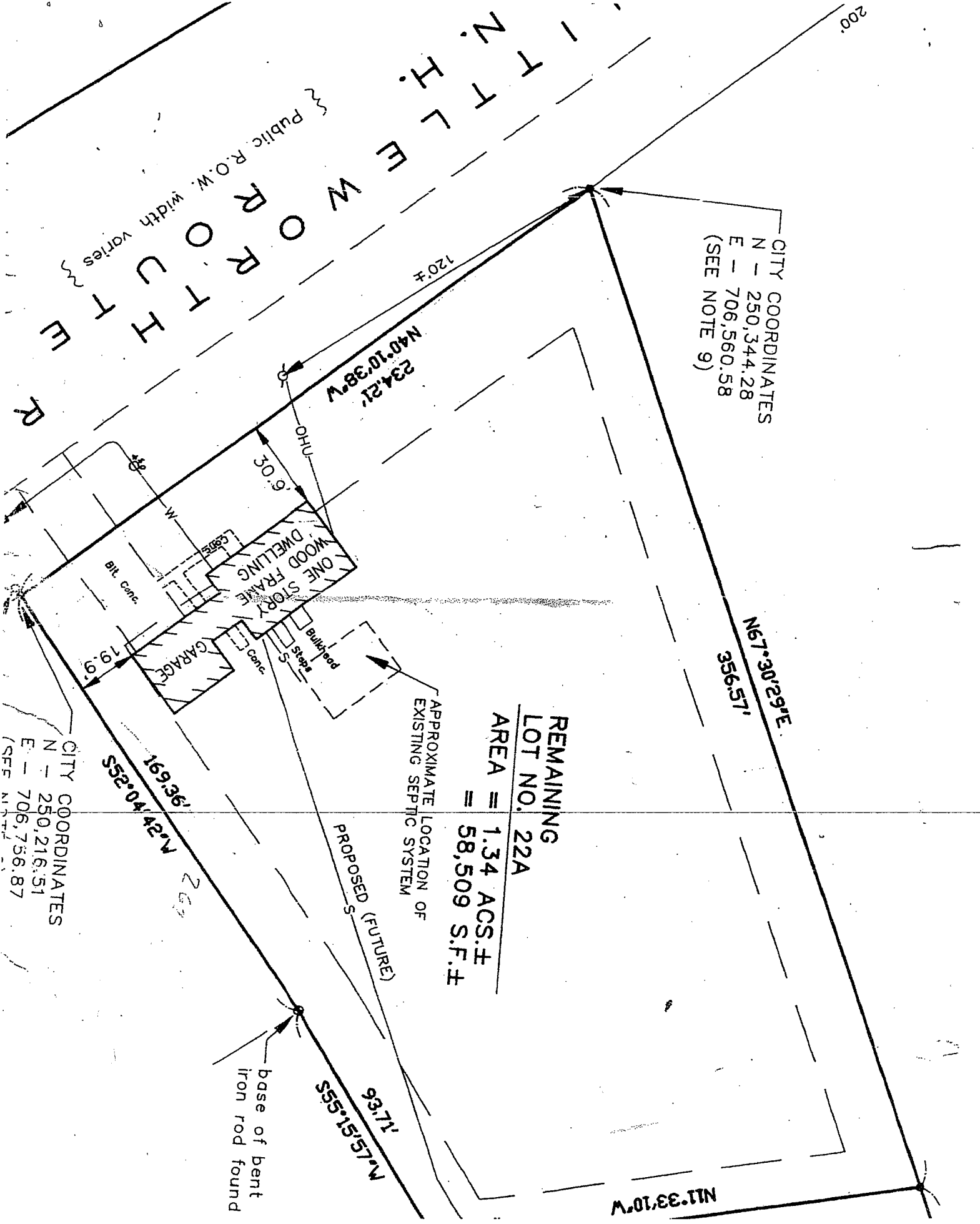
### III. Narrative

#### Variance Requirements:

1.
  - Variance will not increase building size or shape.
  - Variance will not increase traffic flow to the surrounding area.
  - B4 zone across the street has greater impact on residential neighbors (John Deere)
  - R20 neighbors are screened by any increased business activity.
  - John Deere is directly across the street and Dover Paint & Varnish are four neighbors down the street.
2.
  - The current ordinance allows for in-home occupation for a portion of the building. Expansion of this ordinance to include the entire building does not affect the R20 given that business is currently being conducted. The expansion will simply allow for employees to have office space, filing capabilities, and safe parking conditions.
  - The variance will support as safer environment for the customers and employees.
3.
  - Abutting properties are currently being used for commercial use.
  - Other residential abutters have driveways on low-impact roads (private/residential roads).
  - This property is zoned R20, but is on a B4 road. (Avg Daily Volume  $\geq 15,000$ )
  - Property is dangerous for kids as it abuts a major route and highway at a 4-way intersection.
4.
  - This variance will not affect the value of neighboring properties as the property is currently being used as an in-home occupation for 6 years with no complaints.
  - There is no new noise or light pollution from the road.
  - There is significant screening between the business property and residential properties.
  - The business across the street is permitted for larger business rights than this property.

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5. a)
  - (i) The driveway is located on a busy highway – surrounding residential properties have access to back residential roads (low density) where this is not an option for 17 Littleworth Rd (high density). Dangerous for children as four lanes of traffic are in front of the house.
  - (ii) This property, which is zoned R20, does not have access to low density or residential roads as other R20 properties have the option of. This is the only driveway that directly faces B4 zoned properties.
  - (iii) The business has been active for almost 6 years and it is considered to be reasonable use.



CITY COORDINATES  
 N - 250,344.28  
 E - 706,560.58  
 (SEE NOTE 9)

REMAINING  
 LOT NO. 22A  
 AREA = 1.34 ACS.±  
 = 58,509 S.F.±

CITY COORDINATES  
 N - 250,216.51  
 E - 706,756.87  
 (SEE NOTE 9)

Public R.O.W. width varies  
 R  
 O  
 U  
 T  
 E  
 W  
 O  
 R  
 T  
 H  
 E  
 N  
 I  
 T  
 L  
 E

base of bent  
 iron rod found

APPROXIMATE LOCATION OF  
 EXISTING SEPTIC SYSTEM

PROPOSED (FUTURE)  
 S

N11°33'10"W

N67°30'29"E  
 356.57'

169.36'  
 S52°04'42"N

93.71'  
 S55°15'57"N

234.21'  
 N40°10'38"W

120'±

OHU  
 6.20'

19.9'

Blt. Conc.

ONE STORY  
 WOOD FRAME  
 DWELLING

GARAGE

Bulkhead  
 Steps  
 S

26'

34'

W

Conc.

Blt.

Conc.

34'

W

Conc.

Blt.

Conc.

34'

W

Conc.

Blt.

Conc.

34'

W

Conc.

Blt.

Conc.

34'

W

Conc.

Blt.

Conc.

34'

W

Conc.

Blt.

Conc.