



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

1. ATTENDANCE

Members Present: William Colbath (Vice Chair), Chris Prior, Jennifer Stone (Alternate), Otis Perry, Jim Kelley

Members Not Present: Sam Reid (Chair), Frank Landford, Joshua Cote (Alternate)

Staff Present: Bruce Woodruff (Zoning Administrator), Michele Alexander (Recording Secretary), Jean Glidden (Office Manager)

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

Motion: O.Perry made the motion to approve the minutes. C.Prior seconded. Vote: U/A

J.Kelley abstained.

3. OLD BUSINESS

None

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.

G. Trojan described his corner lot. The building envelope is small he noted. He is hoping to rebuild and expand garage and add bedroom at the rear of the lot..

W.Colbath advised another application would need to be made for bedroom expansion at the rear as it had not been advertised.

G.Trojan described the neighbors nice garage close to the side lot line, and he would like to have the same.

B.Woodruff noted staff supports request due to unique corner lot making it different froml other lots in the zone. Similar lots would have 10 ft setbacks on both sides, this one doesn't since it is a non-conforming, corner lot..

J.Kelley asked if all corner lots have this same dilemma. B.Woodruff noted lot is non-conforming size, where other lots may be conforming creating this special circumstance.

J.Kelley asked how many other corner lots are non-conforming with this type of situation. B. Woodruff noted lot across the road has a similar circumstance. He also noted another lot that had been before the board was a similar situation.



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Public Hearing Open - No one spoke

Public Hearing Closed

W.Colbath noted agenda notice did not include proposed addition to rear and that maybe it should not be heard tonight

Motion: O.Perry made the motion to grant the setback variance to construct within 11 feet of the front property line, the requested bedroom expansion. C.Prior seconded. Vote: U/A

- 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.

The applicant, M. Hagan stated he is re-applying for the same type of special exception granted in 2005 that had expired.

W.Colbath asked what type of auto service. M.Hagan explained basic service, no body work.

J. Kelly asked if any changes would be made to property. M.Hagan replied no.

Public Hearing opened.

D.Choate, a property manager for the property owner, stated that the property is ideally set up for the use; owners will not store cars outdoors. Only unit set up for automotive repair on the property. M.Hagan was described as a recently returned veteran.

W.Colbath asked if conditions of approval recommended by staff would be burdensome. M.Hagan said two vehicle limit would be an issue. J.Kelley noted that conditions could note the exception should require tenant meets terms of the lease. J. Stone questioned what would happen if property changed hands. W.Colbath noted the same lease terms would need to be followed.

Public Hearing closed.

Motion: J. Kelley made a motion to grant the special exception with the condition that tenant meets terms of the lease with regards to parking and outside storage. C.Prior seconded. Vote: U/A

- 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.

W.Colbath asked for clarification on CHO criteria, and stated the notice should not be vague. B.Woodruff noted it was advertised correctly in both the notice and abutters.



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D.MacDonald spoke. He stated there is limited space for acupuncture practice and family in current residence. He asked that family be allowed to live elsewhere and asked if owner occupation could be removed through a variance. D.MacDonald described property and showed floor plans saying he wants to use the building for business only. Traffic to home/business parking lot is 2-3 cars per hour currently; anticipated maximum parking would be five cars hourly. The function of the business would not change. D.MacDonald described surrounding properties as B-4. The type of business described is the only R-20 lot that has this hardship.

O.Perry asked why this type of variance was initiated. B.Woodruff noted applicant had been vague on his plans. O.Perry recommended a use variance for a personal service business. B.Woodruff noted it had been advertised as a use variance for an office use in a residential district.

C. Prior asked what true intention of applicant is- solely for business use, or will there be a rental unit. D.MacDonald spoke that it had been considered, but the location of property is not suited to residential use due to noise from street and the decision was made to request variance solely for business use.

C.Prior asked if applicant would accept the constraint that it would be used solely for business. D. MacDonald spoke yes.

C.Prior asked how many current parking spots exist. D.MacDonald noted seven. He noted parking lot and second entrance were changed for safety.

C. Prior asked B. Woodruff if applicant would need to apply to change parking lot. B. Woodruff recommended a condition that the applicant appear before TRC.

W. Colbath questioned whether application should be accepted if notice did not seem to reflect request.

B. Woodruff noted applicant had been unclear. O.Perry recommended accepting application. C. Prior stated abutter notice was clear. J. Kelley noted it was clearly advertised. W.Colbath would like it noted he did not believe the advertising was clear, but he would defer to the board.

Public Hearing Open

R..Dubois of Chandler Lane announced he lives at the back of the property, and agrees that the property is not suitable for residential. Supports application but is concerned that in the future a larger business would buy the property. W.Colbath defined R-40 for applicant. R.Dubois noted he hopes a condition would be it returns to residential if property sold. W.Colbath noted a variance applies to the land not the occupant. C.Prior noted conditions could be put in place to address the abutter's concern.

D.MacDonald spoke and noted house structure would not change for his planned use. D.MacDonald noted he would just use the space differently.

B.Woodruff stated that staff is neutral on this application.

J.Kelley asked if a condition could be that the variance apply only to this applicant and if the property were sold the variance would not apply. Board discussed location of property and other nearby businesses.



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J.Stone asked about plans for changes to signage. No changes to signage is contemplated.

W.Colbath asked for clarification on what board will be requesting for variance. Discussion ensued. Agreed that a variance has been requested.

Public Hearing Closed

Motion: O.Perry made a motion that we grant a use variance to allow a medical office use with conditions that the footprint of the building doesn't change, maximum of employees five, and that TRC review for parking and access issues be required. B.Woodruff recommended adding bulk to wording condition with footprint. The word bulk was added to the motion. J. Kelley seconded the motion.

C.Prior asked for clarification on reason for medical office versus office. O.Perry and J.Kelley both discussed that they wished medical office remain in conditions.

Vote: U/A

5. OTHER BOARD BUSINESS

None

6. ADJOURN

Motion: O. Perry made the motion to adjourn at 8:02 pm. C. Prior seconded. Vote: U/A