



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, June 16, 2011**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF MAY 19, 2011.

3. OLD BUSINESS

4. NEW BUSINESS

- A. * Z 11-12 Changing Places, LLC, 6 Brick Road, Tax Map 28, Lot 9-C, zoned Office, requests a variance from the terms of Article IV, Section 170-11 D, 170-12 A & the O Zone Table of Uses, footnote 5, to construct 24 - 2 bedroom apartments in 4 - three story buildings on one lot, where a maximum of four apartments are allowed.
- B. * Z 11-13 Changing Places, LLC, 6 Brick Road, Tax Map 28, Lot 9-C, zoned Office, requests a variance from the terms of Article IV, Section 170-11 D, 170-12 A & the O Zone Table of Uses, footnote 5, to have residential apartments occupy the first floor in the four newly constructed three story buildings, where residential is allowed only on the second story or higher of newly constructed buildings.

5. OTHER BOARD BUSINESS

- A. Discussion on proposed Operating Rules Revisions.

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/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, May 19, 2011**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), Chris Prior, Otis Perry, Jennifer Stone (Alternate), Frank Landford, Joshua Cote (Alternate)

Members Not Present: William Colbath (Vice Chair), Jim Kelley

Staff Present: Bruce Woodruff (Zoning Administrator)

Chair called the meeting to order at 7:00 p.m.

2. APPROVAL OF PRIOR MINUTES OF APRIL 21, 2011.

Motion: O.Perry made the motion to approve the minutes as written. F.Landford seconded. Vote: U/A

3. OLD BUSINESS

None

4. NEW BUSINESS

- A. Z 11-10 Brian Pettee, 35 Prospect Street, Tax Map 10, Lot 3-1, zoned R-12, requests a dimensional variance from the terms of Article IV, Section 170-15.B in order to allow construction of an accessory structure (shed) located two (2) feet from the principal structure where a minimum of seven (7) feet (height of rear wall of proposed structure) is required.

Chair announced C.Prior and J.Stone to sit in to vote on this case.

B. Pettee, applicant, presented case to the Board. He explained that this location is the only place a shed may be located because of steep slopes and wet lands. He has a small backyard and he needs that for his family.

Public hearing opened

There were no other comments from the public.

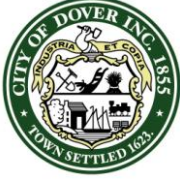
Public hearing closed.

Woodruff presented recommendation that the Board approve the variance with the condition that the shed be constructed with a 1-hr fire-rated wall. Board considered.

Motion: O. Perry made the motion to approve with staff condition. F. Landford seconded. Vote: U/A

5. OTHER BOARD BUSINESS

- A. Discussion on proposed Operating Rules Revisions



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
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Meeting Date: **Thursday, May 19, 2011**
Meeting Time: **7:00 pm**

Board made several comments on draft Operating Rules. Staff to review and compare with statutory requirements, address problem areas, and bring a new draft for review to next meeting.

B. Discussion on General Legal Counsel's letter.

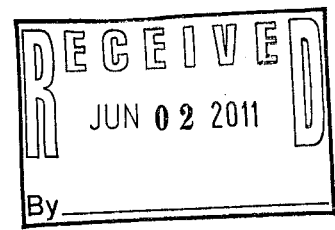
B.Woodruff noted that those speaking at meetings can be probed to find out how the case affects them, however it is the role of the minute-taker to transcribe the points made by anyone who speaks. General discussion ensued.

C. O.Perry pointed that in the abutter notice prepared by staff, the statement "if the application is accepted for discussion", needs to be removed since the Board will no longer move to accept the application.

6. ADJOURN

Motion: O.Perry made the motion to adjourn at 7:40 pm. F. Landford seconded. Vote: U/A

CASE # 211-12 DATE RECEIVED 6/2/11
 AMOUNT PAID \$ 256 TIME RECEIVED _____
Check # 13455



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

I. APPLICANT Changing Places, LLC PHONE #: 749-3800
 ADDRESS 42J Dover Point Road, Dover NH 03820
 PROPERTY OWNER Marcia Wentworth Revocable Trust
 ADDRESS 6 Brick Road, Dover, NH 03820
 PROPERTY LOCATION 6 Brick Road
 BRIEF DIRECTIONS From Central Avenue, the property is the first driveway on the left.
 ZONE 0 ASSESSOR'S MAP 28 LOT #(S) 9-C

TYPE OF APPEAL: (Please check off one)

<input checked="" type="checkbox"/> VARIANCE	ARTICLE <u>IV</u>	SECTION <u>170-11 & 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 construct 24 2 bedroom apartments in 4, three story buildings.

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>10</u> X \$8.00 =	\$ <u>80.00</u>
Applicant & Owner <u>2</u> X \$8.00 =	\$ <u>16.00</u>
Foster's newspaper public notice	\$ <u>60.00</u>
TOTAL	\$ <u>256.00</u>

VARIANCE REQUIREMENTS:

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

This property contains 118,000 square feet of land on the northerly side of Brick Road, which is located in the Office zone. This zone allows dwellings containing 4 units on a lot, provided that the lot contains 5,000 square feet per unit. Based on that density, this lot is large enough to allow the construction of 24 residential units, but without a variance the property would have to be subdivided into separate lots having frontage on a public road. The applicant proposes to construct 4 three story buildings, each of which will contain 6 garden style, 2 bedroom apartments, for a total of 24 units. Many of the other properties in this neighborhood have been developed into similar multifamily residential uses, although there remain several single family residences. The type of use is permitted in the zone, and the proposed density is consistent with the zoning requirement of 5,000 square feet of land per unit.

The variance sought is to allow the permitted number of units to be constructed on a single lot rather than on separate lots, with access to the common parking area to be a private road rather than a public road.

The other uses on Brick Road are residential, with most of that residential use being similar to the proposed use. Allowing the units to be built on a single lot will reduce the amount of paving that would be required for the construction of a public street and separate parking lots and will allow for better placement of the buildings.

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

The ordinance allows residential density based on 5,000 square feet of land per residential unit. This variance will allow the property to be developed with that amount of density, with less pavement and better spacing of the buildings on the lot since the buildings will not have to meet internal building setbacks. The buildings can be located further away from the exterior boundaries of the property, which will result in less impact on the abutters.

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 and will allow the reasonable use of the property. There will be less impact on the neighborhood than would occur if the property had to be subdivided with a public street and if the buildings had to meet internal building setbacks. Other multifamily buildings in the neighborhood are located on single lots rather than on individual lots, and granting this variance will allow this project to have a common parking area which is consistent with other properties in the neighborhood. Since the driveway will be private, the City will not have responsibility for maintaining this as a public street.

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. The lot has sufficient size for the number of proposed units. The residential use will have less impact on the neighborhood than would occur if the property had to be developed as separate lots with separate parking areas and internal building setbacks. Other multifamily buildings in the neighborhood are developed in this same manner on a single lot with common parking areas.

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 a large lot which is located in the center of this block. The only access to the property is from Brick Road. The lot is large enough to accommodate the proposed number of units, but the property does not currently have sufficient frontage on a public road. Granting the variance to allow the proposed buildings to be built on a single lot served by a private roadway will allow the buildings to be located further away from the exterior boundaries, will result in less pavement, and will allow for a common parking area that will be more efficient and easier to maintain.

(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 properties have frontage on a public road. Granting this variance will allow the proposed buildings to be constructed on a single lot instead of separate lots, and will result in less pavement and better location of the buildings on the land. Other multifamily buildings in the neighborhood are also developed with common parking areas on a single lot, and granting the variance will allow this property to be developed in a manner which is more consistent with the existing neighborhood conditions.

(iii) The proposed use is a reasonable one.

The proposed use is similar to the existing uses on the neighboring properties and would allow the proposed buildings to be more in scale with other multifamily buildings 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.

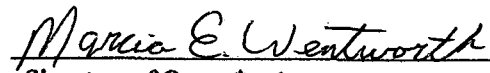
3. Describe how the requested use would not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety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

<p>IMPORTANT</p> <p>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</p>
--


Signature of Applicant*


Signature of Owner* BY WILLIAM PUAPUNA
P.O.A.

*Both Signatures Required

<p><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></p> <p> Signature of Applicant</p> <p>Date _____</p>

Abutters List
Zoning Board of Adjustment
Marcia Wentworth Revocable Trust
Tax Map 28, Lot 9C
6 Brick Road
Dover, New Hampshire
Job No. 11109
Page 1 of 2

Abutters:	
Map 28, Lot 8	Yuseff Adam Al-Ghaithy Wendie Adam Al-Ghaithy 1 Abbey Sawyer Memorial Drive Dover, NH 03820
Map 29, Lot 9B	Frederick Sliwinski 3 Abbey Sawyer Memorial Drive Dover, NH 03820
Map 28, Lot 10 Map 28, Lot 11	Soja-Park Bennett Revocable Trust Soja-Park Bennett, Trustee 153 High Street Exeter, NH 03833
Map 28, Lot 12	Sonia Bruno 747 Central Avenue Dover, NH 03820
Map 28, Lot 12A	Wire Bender Realty Trust Richard W. Miller II, Trustee 217 Broad Street Portsmouth, NH 03801
Map 28, Lot 14	Norman & Sandra Pontbriand 4 Brick Road Dover, NH 03820
Map 28, Lot 15 Map 28, Lot 15A	Karen Hebert Frank Hanscom 10 Brick Road Dover, NH 03820
Map 28, Lot 16	Dylan H. Fransway Morrigan H. Browne 12 Brick Road Dover, NH 03820
Map 28, Lot 18C	B & B Realty Trust Bruce Belanger, Trustee 36 Brigham Lane Portsmouth, NH 03801
Map 28, Lot 32	City of Dover 288 Central Avenue Dover, NH 03820

Abutters List
Zoning Board of Adjustment
Marcia Wentworth Revocable Trust
Tax Map 28, Lot 9C
6 Brick Road
Dover, New Hampshire
Job No. 11109
Page 2 of 2

Owner:
Map 28, Lot 9C

Marcia Wentworth Revocable Trust
Marcia E. Wentworth, Trustee
7 Cemetery Road
Somersworth, NH 03878

Applicant:

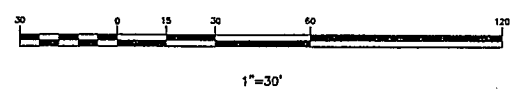
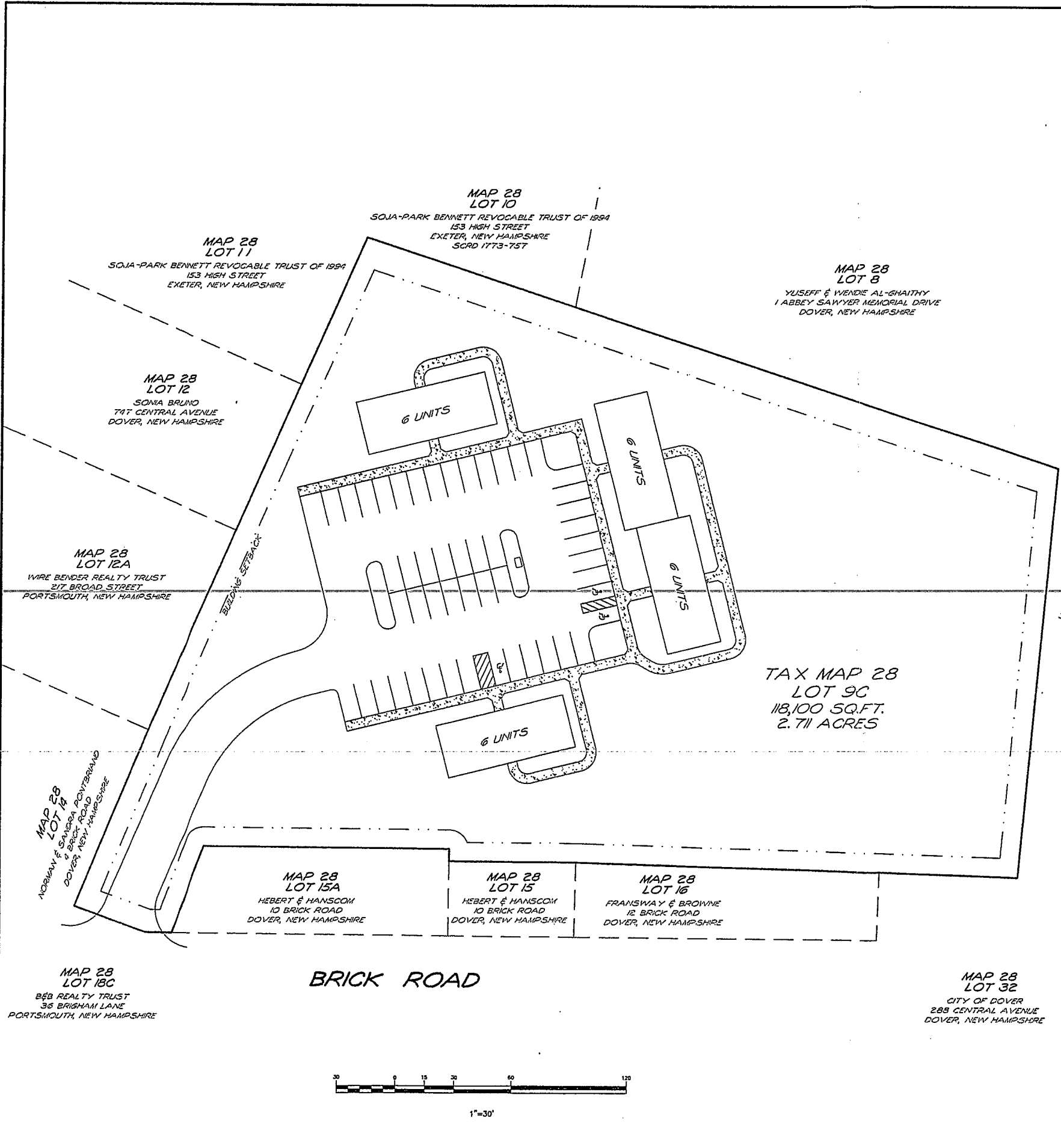
Changing Places, LLC
42J Dover Point Road
Dover, NH 03820

Agent:

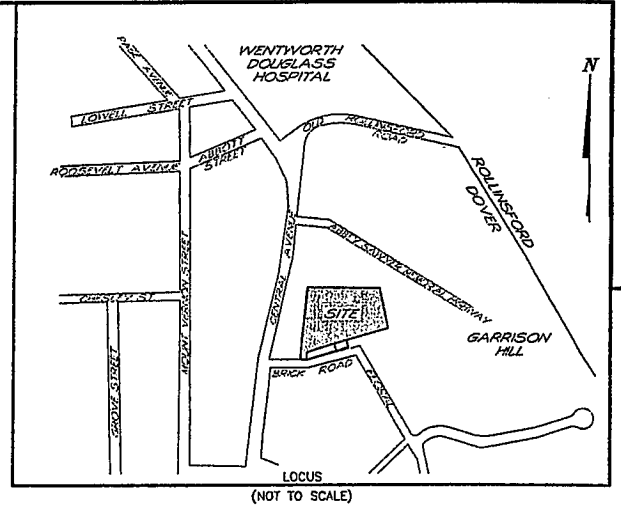
Tritech Engineering Corporation
755 Central Avenue
Dover, NH 03820

Attorney:

Attorney James Schulte
James H. Schulte Law Office
660 Central Avenue
Dover, NH 03820

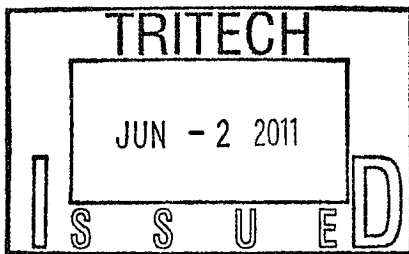
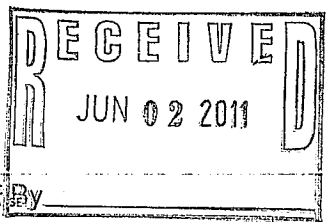


TRITECH
ENGINEERING CORPORATION



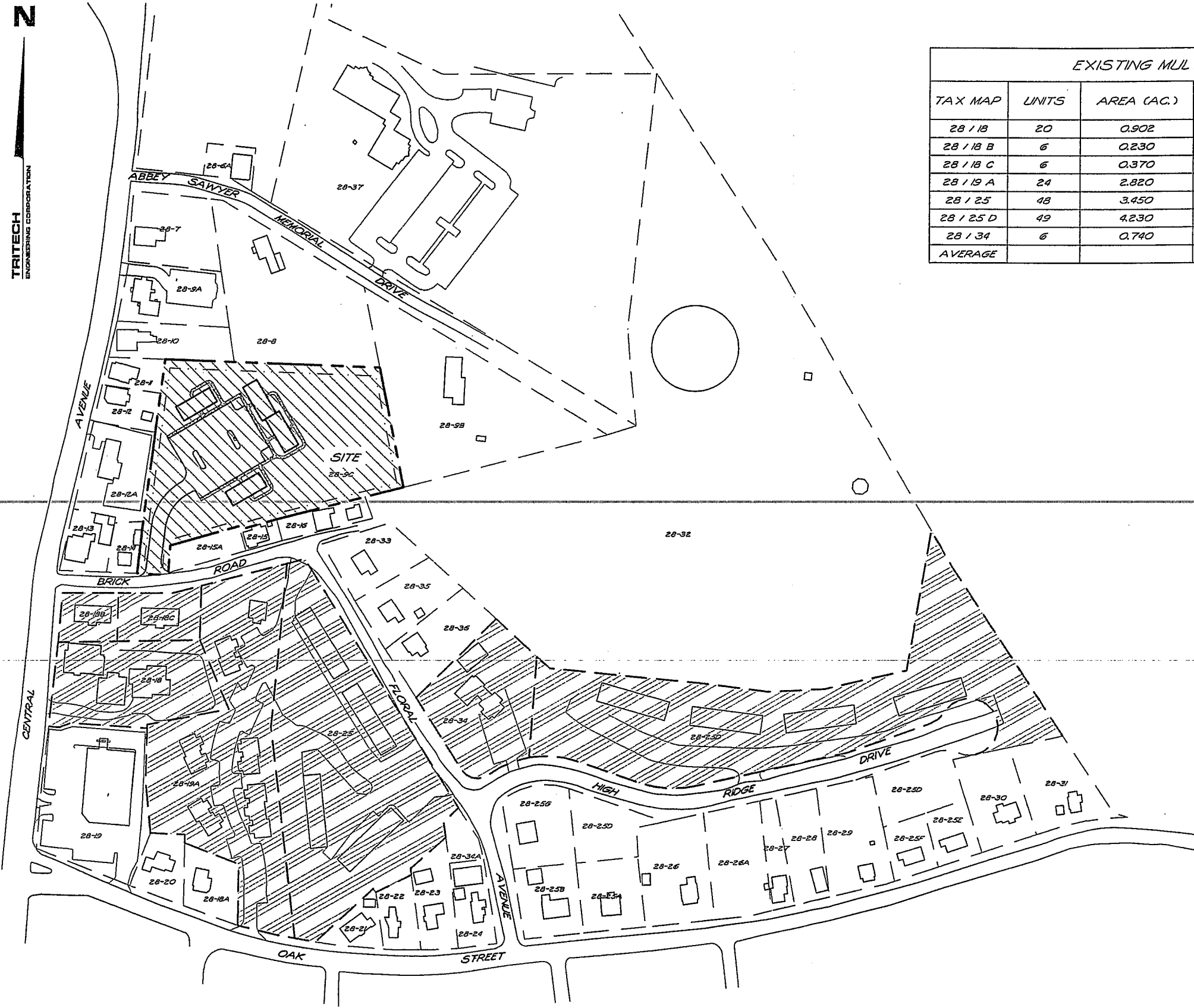
NOTES

- 1.) INTENT: TO SUPPLEMENT THE VARIANCE REQUEST APPLICATION.
 - 2.) CURRENT OWNER OF RECORD: MARCIA WENTWORTH REVOCABLE TRUST
7 CEMETERY ROAD
SOMERSWORTH, N.H.
- SIGNATURE _____
- 3.) SUBJECT PARCEL IS LOCATED IN THE CITY OF DOVER, COUNTY OF STRAFFORD AND THE STATE OF NEW HAMPSHIRE.
 - 4.) TOTAL LOT AREA: 118,100 SQ.FT. - 2.711 ACRES
 - 5.) TAX MAP 28 LOT 9C
 - 6.) PROJECT DEED REFERENCE: SCR D BOOK 3763 PAGE 93
 - 7.) PROJECT PLAN REFERENCE: LIMITED SUBDIVISION
JAMES E. WENTWORTH AND
CHARLES E. & ELIZABETH C. TASKER
DOVER, N.H.
G.L. DAVIS & ASSOCIATES
JULY 1984 SCR D PLAN #25-50
- PLAN OF LAND**
PREPARED FOR
KAREN HEBERT AND FRANK HANSCOM
BRICK ROAD
CITY OF DOVER
COUNTY OF STRAFFORD
STATE OF NH
McENANEY SURVEY ASSOCIATES
FEB. 2000 NOT RECORDED
- 8.) ZONING: OFFICE
MIN. LOT SIZE: 10,000 SQ.FT.
MIN. FRONTAGE: 100 FT.
MIN. SETBACKS:
FRONT: 12 FT
SIDE: 10 FT
REAR: 15 FT
MAX. COVERAGE: 50 %
OPEN SPACE: 15 %
 - 9.) THE RAW UNADJUSTED CLOSURE OF OUR RAINBOW POINT TRAVERSE WAS 1 PART IN 15,000, AND WAS ACCOMPLISHED USING A SOKKIA 3100 TOTAL STATION, DURING THE MONTH OF MARCH, 2004.
 - 10.) BASIS OF BEARING: DETERMINED MAGNETICALLY ON MARCH 12, 2004.
 - 11.) LOTS TO BE SERVICED BY MUNICIPAL WATER AND SEWER.
 - 12.) STREET ADDRESSES FOR EACH LOT SHALL BE ASSIGNED BY THE BUILDING INSPECTOR AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
 - 13.) ALL ON-SITE UTILITIES SHALL BE INSTALLED UNDERGROUND.

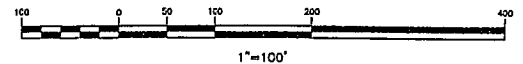
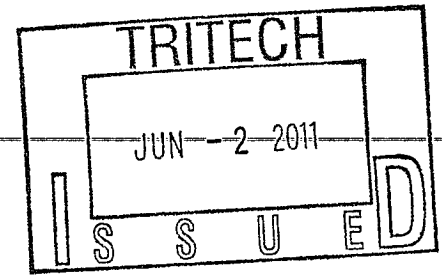


TRITECH ENGINEERING CORPORATION	788 CENTRAL AVENUE DOVER, NEW HAMPSHIRE 03860 TELEPHONE 603 742 8107 FAX 603 742 8890
VARIANCE APPLICATION PLAN	MARCIA WENTWORTH REVOCABLE TRUST BRICK ROAD DOVER, NEW HAMPSHIRE JOB No. 1109 JUNE 1, 2011 SCALE: 1" = 30'
SHEET NO.	N-1

TRITECH
ENGINEERING CORPORATION



EXISTING MULTI-FAMILY				
TAX MAP	UNITS	AREA (AC.)	UNITS PER ACRE	1 UNIT PER (SQ. FT.)
28 / 18	20	0.902	22.2	1,965
28 / 18 B	6	0.230	26.0	1,670
28 / 18 C	6	0.370	16.2	2,626
28 / 19 A	24	2.820	10.5	5,118
28 / 25	48	3.450	13.9	3,131
28 / 25 D	49	4.230	11.6	3,760
28 / 34	6	0.740	8.1	5,375
AVERAGE			15.2	3,326



TRITECH
ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03860
TELEPHONE 603 742 8707
FAX 603 742 9690

REVISIONS DATE:	DESCRIPTION:

DENSITY EXHIBIT
VARIANCE APPLICATION PLAN
**MARCIA WENTWORTH
REVOCABLE TRUST**
BRICK ROAD
DOVER, NEW HAMPSHIRE
JUNE 1, 2011 JOB No. 1109
SCALE: 1" = 100'

SHEET NO.





CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z11-12

Application Type:	Use Variance
Applicant(s):	Changing Places, LLC
Owner(s):	Changing Places, LLC
Location:	6 Brick Road, (Tax Map 28, Lot 9-C)

INTENT: To obtain a Variance to allow construction of 24 - 2 bedroom apartments in 4 - three story buildings on one lot, where a maximum of four apartments are allowed.

LOTS/UNITS PROPOSED: 0 lots, 24 units

AGENDA ITEM #: 4-A

ZONING DISTRICT: O, Office

EXISTING LAND USE: Single family

PROPOSED LAND USE: Multi-family

SURROUNDING LAND USE: Single & multi-family houses, offices

PREVIOUS ZBA ACTION: Yes, file 84-53.

PB APPROVAL REQUIRED: Yes

ATTACHMENT: none

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:

The Planning Department conditionally supports the request.

the lot with the exception of a single family structure and driveway/yard area. The lot has a nonconforming frontage of 33 ft. It was created after a frontage variance was granted in 1984 (no conditions). The original lot had hundreds of feet of frontage on Ascension Ave. (Abbey Sawyer Lane). The lot contains 118,100 sq. ft. area or 2.711 acres. The lot contains sufficient total area to support what would be required to be six separate lots with city frontage, each with four units on the lot. This would require construction of a city street and there is not enough frontage (50 ft.) on Brick Road to do so.

Reason for Staff Recommendation

The requested action may not be technically consistent with the Master Plan which guides development in the City of Dover; however the large area of the lot in the zone where the minimum size is 10,000 sq. ft., coupled with the very small frontage (created by variance with no conditions), and the average in the neighborhood is significantly smaller and the greater depth of the O zone here makes this lot unique.

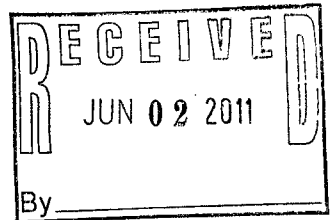
Recommendation

The Planning Department recommends the Zoning Board hold the public hearing, and approve the variance with the condition that both fencing and vegetal screening be required for the development (not just the parking areas) on the property boundaries that abut single family residential uses at Planning Board site review application time.

Summary of Request and Background

The applicant's property is located on Brick Road off Central Avenue and has conservation district in the form of steep slopes. These steep slopes are currently mostly wooded on

CASE # 211-13 DATE RECEIVED 6/2/11
 AMOUNT PAID \$ 265 TIME RECEIVED _____
 CR# 13454



CITY OF DOVER
 ZONING BOARD OF ADJUSTMENT
 APPLICATION

I. APPLICANT Changing Places, LLC PHONE #: 749-3800
 ADDRESS 42J Dover Point Road, Dover NH 03820
 PROPERTY OWNER Marcia Wentworth Revocable Trust
 ADDRESS 6 Brick Road, Dover, NH 03820
 PROPERTY LOCATION 6 Brick Road
 BRIEF DIRECTIONS From Central Avenue, the property is the first driveway on the left.
 ZONE 0 ASSESSOR'S MAP 28 LOT #(S) 9-C

TYPE OF APPEAL: (Please check off one)

- | | | |
|--|-------------------|--------------------------------|
| <input checked="" type="checkbox"/> VARIANCE | ARTICLE <u>IV</u> | SECTION <u>170-11 & 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 construct 24 2 bedroom apartments in 4, three story buildings.

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>10</u> X \$8.00 = | \$ <u>80.00</u> |
| Applicant & Owner <u>2</u> X \$8.00 = | \$ <u>16.00</u> |
| Foster's newspaper public notice | \$ <u>60.00</u> |
| TOTAL | \$ <u>256.00</u> |

VARIANCE REQUIREMENTS:

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

This property contains 118,000 square feet of land on the northerly side of Brick Road, which is located in the Office zone. This zone allows dwellings containing 4 units, provided that the lot contains 5,000 square feet per unit. Based on that density, this lot would support 24 residential units. The applicant proposes to construct 4 three story buildings, each of which will contain 6 garden style, 2 bedroom apartments, for a total of 24 units. Many of the other properties in this neighborhood have been developed into multifamily residential uses, although there remain several single family residences. The type of use is permitted in the zone, and the proposed density is consistent with the zoning requirement of 5,000 square feet of land per unit. The requested variance to allow residential use on the first floor of each building, while the ordinance requires that new residential construction be located only on second floors or higher, and that commercial use be made of the first floor. The only access to this property is by way of a driveway from Brick Road. The land does not have frontage on, and is screened from view from Central Avenue. The other uses on Brick Road are residential, with most of that residential use being similar to the proposed use. Since the height limitation in the office zone is 65 feet, it would be physically possible to construct 4 or 5 story buildings, with commercial use on the first floor, but buildings of that height would be out of scale for the neighborhood and the access to the property would make commercial development not feasible. The public interest would be better served by permitting these buildings to be limited to three stories, with residential use on the first

Given the location of this lot on a residential street, residential use would be the most appropriate use for this land.

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

The ordinance allows multifamily residential use in buildings up to 65 feet tall. The proposed use of three story apartment buildings allows the height of the buildings to be more consistent with other buildings in the neighborhood. Given the access to the property, it is not feasible to develop property for commercial or office use, and the proposed use is consistent with the neighborhood and the spirit of the ordinance. 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 and will allow the reasonable use of the property. There will be less impact on the neighborhood than would occur if the buildings were taller with commercial uses on the first floor. Other multifamily buildings in the neighborhood have residential use on the first floor. Granting the variance will allow the use of the land in a manner which more closely fits into the other uses in

the neighborhood.

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. The lot has sufficient size for the number of proposed units. The residential use will have less impact on the neighborhood than would occur if the property were to be developed for commercial or office use, and the access and location of the property makes the proposed residential use more consistent with existing uses in the neighborhood.

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 a large lot which is located in the center of this block. The only access to the property is from Brick Road. Although the property is located in the Office zone, it does not have frontage on Central Avenue and is screened from view from Central Avenue. The access to the property and the location make commercial use not feasible for this property. Properties with frontage on Central Avenue have sufficient visibility and traffic count to make commercial use possible, but that condition does not apply to this property.

(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 commercial development of properties when the physical situation of the property makes that type of development feasible. In this case, the physical location and limited access to the property makes commercial development not feasible. Requiring commercial use on the first floor would result in the buildings being taller and being out of scale for the neighborhood.

(iii) The proposed use is a reasonable one.

The proposed use is similar to the existing uses on the neighboring properties and would allow the proposed buildings to be more in scale with other multifamily buildings 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.

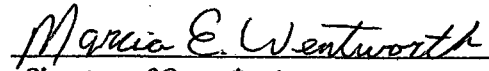
3. Describe how the requested use would not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety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

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

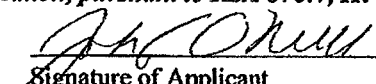
IV. As applicant of standing of this request, I certify that the information herein is complete and accurate.

<p>IMPORTANT</p> <p>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</p>
--


Signature of Applicant*


Signature of Owner* BY WILLIAM PUAPUA
P.O.A.

*Both Signatures Required

<p><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></p> <p> Signature of Applicant</p> <p>Date _____</p>

Abutters List
Zoning Board of Adjustment
Marcia Wentworth Revocable Trust
Tax Map 28, Lot 9C
6 Brick Road
Dover, New Hampshire
Job No. 11109
Page 1 of 2

Abutters: Map 28, Lot 8	Yuseff Adam Al-Ghaithy Wendie Adam Al-Ghaithy 1 Abbey Sawyer Memorial Drive Dover, NH 03820
Map 29, Lot 9B	Frederick Sliwinski 3 Abbey Sawyer Memorial Drive Dover, NH 03820
Map 28, Lot 10 Map 28, Lot 11	Soja-Park Bennett Revocable Trust Soja-Park Bennett, Trustee 153 High Street Exeter, NH 03833
Map 28, Lot 12	Sonia Bruno 747 Central Avenue Dover, NH 03820
Map 28, Lot 12A	Wire Bender Realty Trust Richard W. Miller II, Trustee 217 Broad Street Portsmouth, NH 03801
Map 28, Lot 14	Norman & Sandra Pontbriand 4 Brick Road Dover, NH 03820
Map 28, Lot 15 Map 28, Lot 15A	Karen Hebert Frank Hanscom 10 Brick Road Dover, NH 03820
Map 28, Lot 16	Dylan H. Fransway Morrigan H. Browne 12 Brick Road Dover, NH 03820
Map 28, Lot 18C	B & B Realty Trust Bruce Belanger, Trustee 36 Brigham Lane Portsmouth, NH 03801
Map 28, Lot 32	City of Dover 288 Central Avenue Dover, NH 03820

Abutters List
Zoning Board of Adjustment
Marcia Wentworth Revocable Trust
Tax Map 28, Lot 9C
6 Brick Road
Dover, New Hampshire
Job No. 11109
Page 2 of 2

Owner:
Map 28, Lot 9C

Marcia Wentworth Revocable Trust
Marcia E. Wentworth, Trustee
7 Cemetery Road
Somersworth, NH 03878

Applicant:

Changing Places, LLC
42J Dover Point Road
Dover, NH 03820

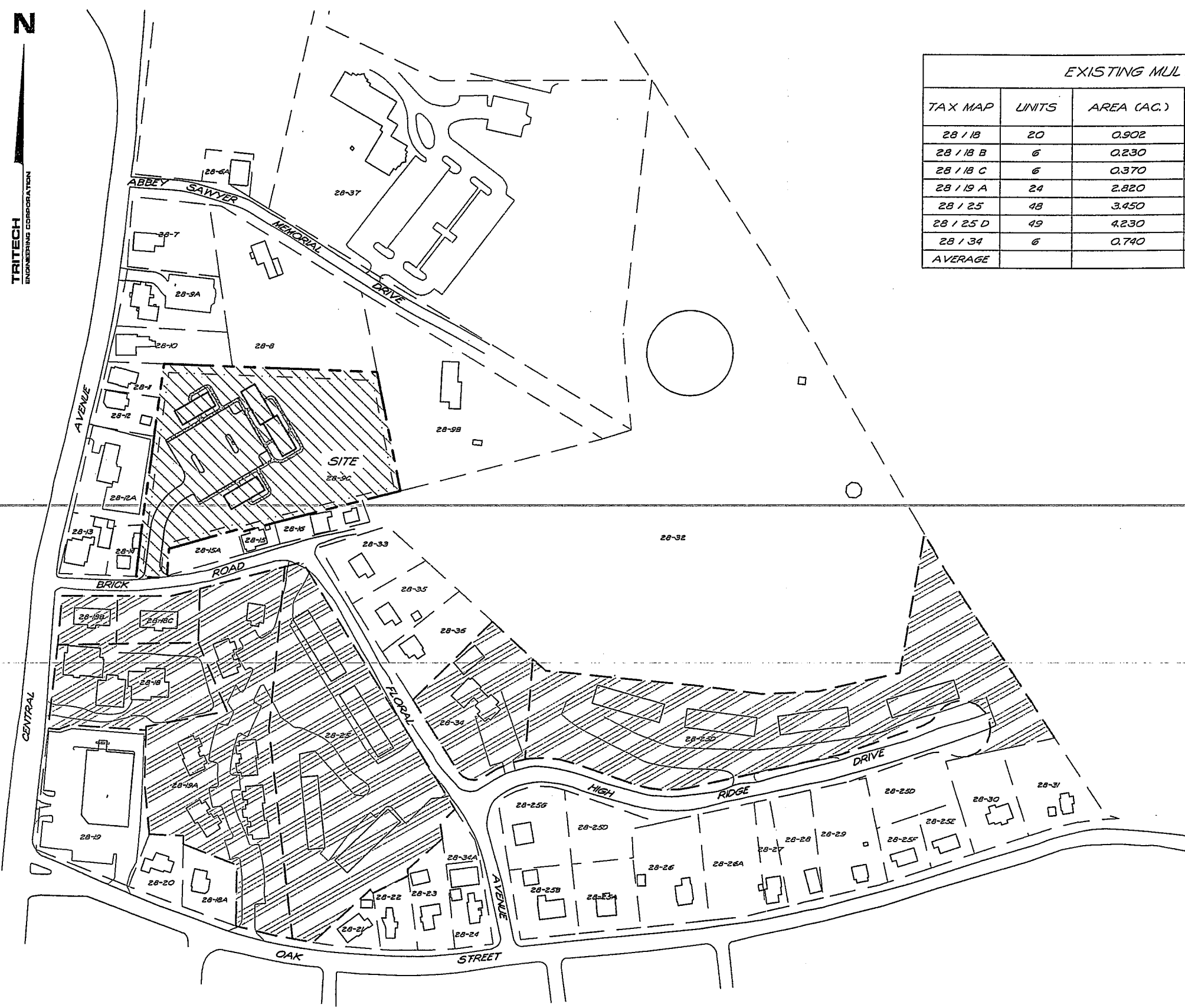
Agent:

Tritech Engineering Corporation
755 Central Avenue
Dover, NH 03820

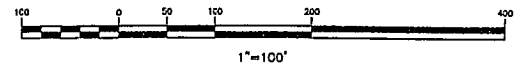
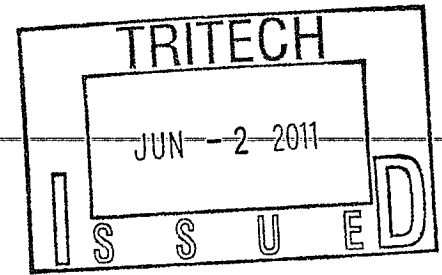
Attorney:

Attorney James Schulte
James H. Schulte Law Office
660 Central Avenue
Dover, NH 03820

TRITECH
ENGINEERING CORPORATION



EXISTING MULTI-FAMILY				
TAX MAP	UNITS	AREA (AC.)	UNITS PER ACRE	1 UNIT PER (SQ. FT.)
28 / 18	20	0.902	22.2	1,965
28 / 18 B	6	0.230	26.0	1,670
28 / 18 C	6	0.370	16.2	2,626
28 / 19 A	24	2.820	10.5	5,118
28 / 25	48	3.450	13.9	3,131
28 / 25 D	49	4.230	11.6	3,760
28 / 34	6	0.740	8.1	5,375
AVERAGE			15.2	3,326



TRITECH
ENGINEERING CORPORATION

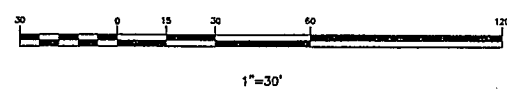
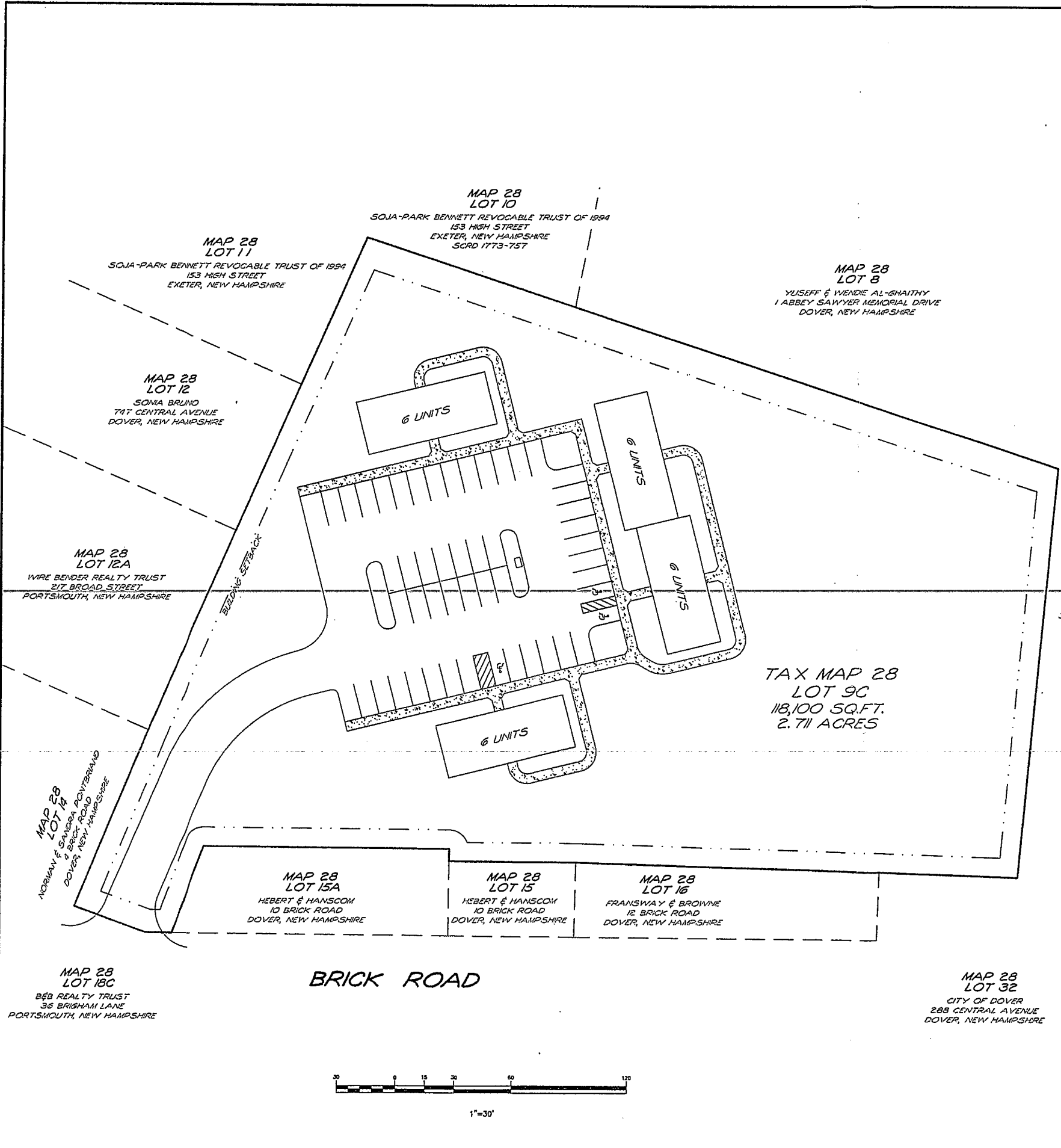
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03860
TELEPHONE 603 742 8707
FAX 603 742 9690

REVISIONS DATE:	DESCRIPTION:

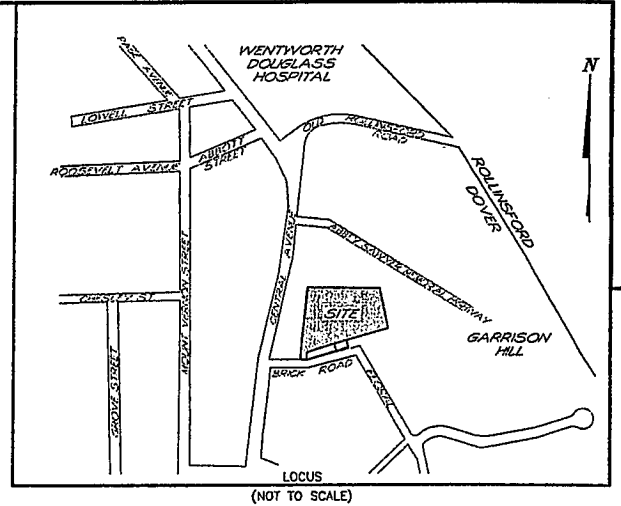
DENSITY EXHIBIT
VARIANCE APPLICATION PLAN
**MARCIA WENTWORTH
REVOCABLE TRUST**
BRICK ROAD
DOVER, NEW HAMPSHIRE
JUNE 1, 2011 JOB No. 1109
SCALE: 1" = 100'

SHEET NO.



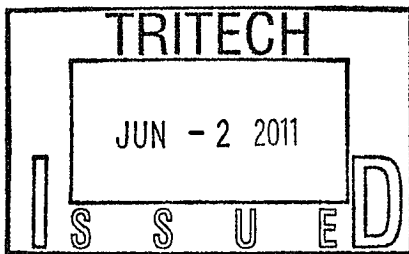
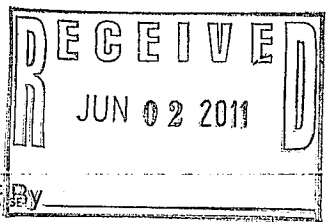


TRITECH
ENGINEERING CORPORATION



NOTES

- 1.) INTENT: TO SUPPLEMENT THE VARIANCE REQUEST APPLICATION.
 - 2.) CURRENT OWNER OF RECORD: MARCIA WENTWORTH REVOCABLE TRUST
7 CEMETERY ROAD
SOMERSWORTH, N.H.
- SIGNATURE _____
- 3.) SUBJECT PARCEL IS LOCATED IN THE CITY OF DOVER, COUNTY OF STRAFFORD AND THE STATE OF NEW HAMPSHIRE.
 - 4.) TOTAL LOT AREA: 118,100 SQ.FT. - 2.711 ACRES
 - 5.) TAX MAP 28 LOT 9C
 - 6.) PROJECT DEED REFERENCE: SCR D BOOK 3763 PAGE 93
 - 7.) PROJECT PLAN REFERENCE: LIMITED SUBDIVISION
JAMES E. WENTWORTH AND
CHARLES E. & ELIZABETH C. TASKER
DOVER, N.H.
G.L. DAVIS & ASSOCIATES
JULY 1984 SCR D PLAN #25-50
- MAP 28 LOT 9B**
FREDERICK SLEWINSKI
3 ABBEY SAWYER MEMORIAL DRIVE
DOVER, NEW HAMPSHIRE
- PLAN OF LAND**
PREPARED FOR
KAREN HEBERT AND FRANK HANSCOM
BRICK ROAD
CITY OF DOVER
COUNTY OF STRAFFORD
STATE OF NH
McENANEY SURVEY ASSOCIATES
FEB. 2000 NOT RECORDED
- 8.) ZONING: OFFICE
MIN. LOT SIZE: 10,000 SQ.FT.
MIN. FRONTAGE: 100 FT.
MIN. SETBACKS:
FRONT: 12 FT
SIDE: 10 FT
REAR: 15 FT
MAX. COVERAGE: 50 %
OPEN SPACE: 15 %
 - 9.) THE RAW UNADJUSTED CLOSURE OF OUR RAINCOB POINT TRAVERSE WAS 1 PART IN 15,000, AND WAS ACCOMPLISHED USING A SOKKIA S610 3100 TOTAL STATION, DURING THE MONTH OF MARCH, 2004.
 - 10.) BASIS OF BEARING: DETERMINED MAGNETICALLY ON MARCH 12, 2004.
 - 11.) LOTS TO BE SERVICED BY MUNICIPAL WATER AND SEWER.
 - 12.) STREET ADDRESSES FOR EACH LOT SHALL BE ASSIGNED BY THE BUILDING INSPECTOR AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
 - 13.) ALL ON-SITE UTILITIES SHALL BE INSTALLED UNDERGROUND.



TRITECH	ENGINEERING CORPORATION
788 CENTRAL AVENUE DOVER, NEW HAMPSHIRE 03860 TELEPHONE 603 742 8107 FAX 603 742 8890	
VARIANCE APPLICATION PLAN	MARCIA WENTWORTH REVOCABLE TRUST BRICK ROAD DOVER, NEW HAMPSHIRE JOB No. 1109 JUNE 1, 2011 SCALE: 1" = 30'
SHEET NO.	N-1



CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z11-13

Application Type:	Use Variance
Applicant(s):	Changing Places, LLC
Owner(s):	Changing Places, LLC
Location:	6 Brick Road, (Tax Map 28, Lot 9-C)

INTENT: To obtain a Variance to allow residential apartments occupy the first floor in the four newly constructed three story buildings (if granted), where residential is allowed only on the second story or higher of newly constructed buildings.

LOTS/UNITS PROPOSED: 0 lots, 24 units

AGENDA ITEM #: 4-B

ZONING DISTRICT: O, Office

EXISTING LAND USE: Single family

PROPOSED LAND USE: Multi-family

SURROUNDING LAND USE: Single & multi-family houses, offices

PREVIOUS ZBA ACTION: Yes, file 84-53.

PB APPROVAL REQUIRED: Yes

ATTACHMENT: none

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department conditionally supports the request.

steep slopes are currently mostly wooded on the lot with the exception of a single family structure and driveway/yard area. The lot has a nonconforming frontage of 33 ft. It was created after a frontage variance was granted in 1984 (no conditions). The original lot had hundreds of feet of frontage on Ascension Ave. (Abbey Sawyer Lane). The lot contains 118,100 sq. ft. area or 2.711 acres. This appears to be the only O-zone district that has as much depth from the street, possibly because of the proximity to the City boundary.

Reason for Staff Recommendation

The requested action may not be technically consistent with the Master Plan which guides development in the City of Dover; however the location of the zone itself does not lend itself to practical consideration of commercial applications on the first floor of the units.

Recommendation

The Planning Department recommends the Zoning Board hold the public hearing, and approve the variance with the condition that both fencing and vegetal screening be required for the development (not just the parking areas) on the property boundaries that abut single family residential uses at Planning Board site review application time.

Summary of Request and Background

The applicant's property is located on Brick Road off Central Avenue and has conservation district in the form of steep slopes. These