



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 15, 2012**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: William Colbath (Vice Chair), Otis Perry, Frank Landford, James Kelley, Jennifer Stone (Alternate).

Members Not Present: Sam Reid (Chair), Joshua Cote (Alternate), Chris Prior (Alternate)

Staff Present: Timothy Corwin (Assistant City Planner), Gail Pare (Recording Secretary)

The Chair called the meeting to order at 7:00 p.m. William Colbath 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 the election of officers. The Board members concurred.

2. ELECTION OF OFFICERS

The Chair deferred the Election until after the Public hearing.

3. APPROVAL OF PRIOR MINUTES OF FEBRUARY 16, 2012

Motion: made the motion to approve the February 16, 2012 minutes. Seconded by Vote: U/A
W.Colbath, O.Perry, J.Kelley, C.Prior, J.Cote abstained.

4. NEW BUSINESS

Due to a special request from Attorney Chris Boldt, the Chair requested that Item C be brought to the table ahead of schedule.

A. *Z 11-11 The applicant proposes to demolish an existing three (3) family dwelling, which is a nonconforming use, and to construct a new three (3) family dwelling on a different portion of the lot. Applicant seeks a use variance to permit the replacement three (3) family dwelling, which is not a permitted use in the R-12 District. Applicant is also asking for relief from the front setback, to allow the new structure to be placed approximately with the same front setback as the existing structure has.

Public Hearing Open

Attorney Christopher Boldt, of Donahue, Tucker & Ciandella, spoke on behalf of Henry Brandt, a principal for the applicant Salmon Falls Holding, LLC, who was unexpectedly delayed in Dallas, TX and will not be able to attend tonight's hearing. Atty. Boldt has respectfully requested the case be continued until the April 19, 2012 meeting of the Zoning Board. In addition Atty. Boldt was on hand to answer any questions abutters may have.

Public Hearing Closed

B. * Z 12-04 To obtain Special Exception approval to permit an approximately 1,100 s.f. retail store for the sale of fresh flowers and plants, to be located within the existing building.

Public Hearing Open



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Lorraine and William Quimby spoke.

T. Corwin spoke on behalf of the The Planning Department believes that, per the information presented in the application, the applicant's proposed retail flower store meets the six (6) special exception criteria for retail stores in the Office District (as set forth in the Table of Use). Moreover, the retail commercial use of this building is consistent with how it has been used in the past¹ and present, and is consistent with the commercial use of adjacent and nearby properties.

¹ The space to be occupied by the flower store was most recently occupied by another retail store, "Homedco" which received a variance in 1994 to permit the expansion of a non-conforming use for the installation of an oxygen tank. As a condition of variance approval, the tank was to be removed when Homedco vacated the property. It is not clear when Homedco left, but it has been more than twelve (12) months, and therefore the proposed retail use of this space cannot be considered the continuation of a non-conforming use. Therefore, special exception approval is required.

Public Hearing Closed

Motion: motioned to grant the Special Exception. Seconded. Vote: U/A.

C. * Z 12-05 To obtain a Variance for an 11 s.f. projecting sign to advertise an approximately 1,100 s.f. retail store for the sale of fresh flowers and plants, to be located within the existing building.

The proposed projecting sign is less than the maximum permitted size and will be a reasonable method of identifying the property. The configuration of the façade of the building is not conducive to designing and installing an appropriate wall sign, and a freestanding sign would require variance relief because the structure does not meet the 20 ft. minimum setback required to install a freestanding sign. The applicant's projecting sign, which is the only exterior sign proposed for the applicant's business, is consistent with the photo studio's sign which is also projecting.

Public Hearing Open

Lorraine and William Quimby spoke.

Public Hearing Closed

Motion: motioned to grant the Variance. Seconded by Vote: U/A.

Motion: motioned to grant the variance. Seconded by Vote U/A



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A. Election of Officers

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

Motion: made the motion to close nominations. seconded. Vote: U/A

Election occurred: Slate as presented was elected.

5. STAFF COMMENTS

6. OTHER BOARD BUSINESS

7. ADJOURN

Motion: made the motion to adjourn at pm. Seconded by Vote: U/A