



**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, October 18, 2012**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

### 2. APPROVAL OF PRIOR MINUTES OF SEPTEMBER 20, 2012

### 3. HEARING – CONTINUED FROM SEPTEMBER 20, 2012

- A. \* Z 12-18 David A. Goodwin, 37 Dover Neck Road (Tax Map M, Lot 79B), located in the Rural Residential (R-40) District. The subject property is improved with a Quonset hut and wooden office building, both which are currently used as a training facility for the carpenters' union. The applicant proposes to remove the Quonset hut and use the wooden office building as a small scale printing business with up to three (3) employees. Applicant requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-40 District Table of Use and Dimensional Requirements to permit the wooden building to be used as a printing business with up to three (3) employees where printing business is not a permitted use in the R-40 District.

### 4. HEARINGS – NEW

- A. \* Z 12-20 Howard M. MacDonald (Owner: Doverbrook, LLC), 1 Constitution Way (Tax Map K, Lot 21), located in the Rural Residential (R-40) District. Applicant requests a variance from the Code of the City of Dover, Chapter 126 "Mobile Home Parks", **Section 126-5.F**, to permit a carport addition onto the existing mobile home to be located within one (1) ft. of the side property line shared with 3 Constitution Way where a minimum side yard setback of twelve (12) ft. is required.
- B. \* Z 12-22 Dover Chevrolet/Jerry Staveris (Owner: M & E Jespersen Realty, LLC), 5 Dover Point Road (Tax Map K, Lot 40-B), located in the Thoroughfare Business (B-3) District. Applicant requests a variance from **Section 170-32.F** of the Zoning Ordinance and the B-3 District Table of Use and Dimensional Requirements to permit a second wall sign where only one is permitted.
- C. \* Z 12-23 Changing Places, LLC (Owner: Estate of Rita T. Taylor), 72 Durham Road (Tax Map I, Lot 12), located in the Low Density Residential (R-20) District and the Suburban Density Multi-Residential (RM-SU) District. Applicant proposes to construct a twenty (20) unit townhouse residential development in addition to the existing residence for a total of twenty-one (21) units. Applicant requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-20 and RM-SU District Tables of Use and Dimensional Requirements to permit +/- 7,306 sq. ft. of land per unit where a minimum of 10,000 sq. ft. is required.

### 5. 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, Monday-Thursday from 8:30 am to 5:30 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)



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### 1. ATTENDANCE

**Members Present:** Sam Reid (Chair), William Colbath (Vice Chair), Otis Perry, Frank Landford, Jennifer Stone, Chris Prior (Alternate).

**Members Not Present:** James Kelley, Joshua Cote (Alternate)

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

The Chair called the meeting to order at 7:01 p.m. The Chair opened the meeting and introduced the Board and staff members to the audience, and described the process used to hear cases.

### 2. APPROVAL OF PRIOR MINUTES OF AUGUST 16, 2012

**Motion:** F.Landford motioned to accept the August 16, 2012 minutes. Seconded by Chris Prior.  
Vote: U/A

### 3. Case Z 12-15, Friends Forever Real Estate, LLC, 16 Summer Street, Tax Map 12, Lot 23 .

#### A. Consideration of Withdrawal of Application.

*Sam Reid recused himself from the case and Vice Chair William Colbath stepped in.*

T.Corwin gave an update to the procedure of this case. The rehearing request was on tonight's agenda. Corwin was informed that the applicant subsequently withdrew their application. They will not pursue the purchase of the property at 16 Summer Street.

#### **Staff recommendations:**

Staff recommends the Zoning Board consider voting to vacate the variance given last month without prejudice, in light of the withdrawal request. The decision to vacate due to the applicants withdrawal would not prevent another person from filing an application for a variance later.

**Motion:** O.Perry motioned to vacate the decision without prejudice. Seconded by F.Landford. Vote: 5/0

#### B. Consideration of Rehearing Request

**Motion:** O.Perry motioned to table. Seconded by F.Landford. Vote: U/A.

*Sam Reid returned as Chair.*

### 4. HEARING – CONTINUED FROM JUNE 21, 2012

- A. \* Z 12-09 Robert E. Fisher (Owner: Anne E. Tucker Revocable Trust), 49 Littleworth Road, Tax Map G, Lot 29, located in the Low Density Residential (R-20) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-20 District Table of Use and Dimensional Requirements to permit a lunch cart on the property where lunch carts are not a permitted use in the R-20 District.



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Atty. Robert E. Fisher, 23 Hillcrest Drive, represented for the applicant. He made a correction that the land owner is Anne Tucker, of the Anne Tucker Revocable Trust. There was a previous variance request in 2000 which was denied (Z 00-9). He stated that the new law is RSA: 33: b which calls for a balancing act. You are required that the use not be contrary to public interest. To grant the variance will do substantial justice by putting the land to use; it will not under value the other properties. An industrial park is across the street and adjacent to the owner is a 2-3 unit apartment unit. The lot is substantial in size, and it has an extensive gravel driveway. The lunch cart is a converted school bus and if the variance is granted it will be placed on the gravel driveway. He sited a couple of similar cases taken to the Supreme Court. The property sits off a major thoroughfare, and is across from the industrial park. This is a public interest argument. There is no requirement under the new standard to show any economic loss. He requests a site visit.

S.Reid confirmed with Fisher that this is a multi-family dwelling on 1.35 acres and the lunch truck is not in operation.

C.Prior asked if there are any children residing in the multi-family. He asked about the safety of the children and the issues that a lunch cart and increased traffic to the property would cause.

R.Fisher stated that one unit has two children, one of which is in junior high, and one a little younger. There is also a tenant, but he is not sure they have children. He is suggesting installing a fence for safety issues, and also a sign to direct the customers to park in an appropriate area, away from where the tenants live. Separate picnic tables would be set up for the lunch cart.

W.Colbath asked about a proposed traffic pattern. Fisher stated it is a big circular driveway, and he proposes the entrance on the side closest to Rte. 155, which could be the entrance and exit. If directed, he could change the location of the entrance, but feels this may adversely affect the tenants.

*Public hearing open.*

### **Staff Recommendations:**

T.Corwin stated that staff believes there are no special conditions of the property that distinguishes it from any other property similarly zoned. The property is already being used for a multi-family residence, and there are several other uses permitted in the R-20 District that the property could be used for. A similar request was denied in 2000 where the ZBA concluded that the application failed to meet all five (5) of the variance criteria.

S.Reid confirmed with Corwin that eating establishments are not allowed in the R-20 District.

O.Perry asked about parking requirements and if this variance is allowed, would it be required to go to the Planning Board to show parking studies.

T.Corwin stated he does not feel it would normally have to go to the Planning Board. The Board could require the plan to go to the TRC.

J.Stone asked about specific hours of operation.



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R.Fisher stated it is a primarily a lunch and ice cream truck. The hours would not be too early in the morning, and not too late at night. Fisher then stated that a traffic study and going to the Planning Board is out of the question due to the expense. He offered to draw a site map for specific locations of the parking, picnic tables, and delineate the areas of the lunch cart vs. the residential units. He would list the proposed hours of operation as well. He is requesting that the ZBA table the item so he can submit additional information. He does not want to see the Board deny the request due to the lack of information or understanding.

O.Perry suggested recessing the public hearing and continue it at the next meeting.

T.Corwin suggested to R.Fisher to submit the following information for the Board.

- location of driveway
- proposed entrances, exits, and parking
- days and hours of operation
- actual location of the lunch cart in reference to the sidelines
- location of picnic tables
- suggestions to address any safety concerns to children.

R.Fisher stated that he would not operate the lunch cart, but someone would be hired to run it. He was considering the hours of 11 a.m. to 9 p.m. in the summer, and 11 a.m. to 7 p.m. in the winter.

*Recess the public hearing.*

*Chris Prior will sit it on the case.*

**Motion:** O.Perry motioned to table the application until a later date. Seconded by C.Prior. Vote: U/A.

### 5. HEARINGS – NEW

- A. \* Z 12-16 Alex & Anne Krieger, 53 Three Rivers Farm Road, Tax Map N, Lot 3A, located in the Rural Residential (R-40) District. The subject property is improved with a single family dwelling, and a second single family dwelling is currently under construction. Applicants propose to occupy the dwelling under construction as a weekend home and to rent out the existing dwelling as a residence. Therefore, applicants request a variance to permit two (2) principal buildings on a lot where only principal building is permitted per the definition of “lot” set forth in **Section 170-6** of the Zoning Ordinance.

The applicants Alex & Anne Krieger spoke to the Board and requested a continuance until the next ZBA meeting, so they can properly speak to the abutters about their plans.

**Motion:** O.Perry motioned to continue until the October 18, 2012 meeting. Seconded by F.Landford.  
Vote: 4/1.

- B. \* Z 12-17 Darryl Rahn (Owner: Studio 590, LLC), 590 Central Avenue, Tax Map 30, Lot 125A, located in the Office (O) District, requests a special exception per **Section 170-12.A** of the Zoning Ordinance and the O District Table of Use and Dimensional Requirements to permit a jewelry retail store in the unit currently occupied by a hair salon.



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Atty. Jeff Merrill, represented the applicant Darryl Rahn. He stated that Mr. Rahn would like to move his business from 270 Central Avenue to 590 Central Avenue. There are currently 20 parking spaces on site, 8 of which are required. He has agreed to install a 7 ft. fence to the side of the abutters. The store will occupy approximately 750 s.f. of the 1950 s.f. space. Hours of operation will be from 10 am to 5 pm, M-F, and 10 am to 3 pm on Saturday, closed on Sunday.

*Public hearing open.*

Staff believes that, per the information presented in the application, the applicant's proposed retail jewelry store meets the six (6) special exception criteria for retail stores in the Office District (as set forth in the Table of Use). The use of this building for a retail store is consistent with how the property and building have been used in the past and present, and the property is compatible with the surrounding uses, a mix of commercial and residential.

T. Corwin recommended that the Board condition its approval and request the applicant submit to Tim Corwin a screening plan to show the installation of the screenings.

W. Colbath asked if the special exception is granted, does it open up other requests for the same.

T. Corwin stated that if others request a special exception, they would have to reapply and that each case would be unique.

*Public hearing closed.*

### **Staff Recommendations:**

The Planning Department recommends the Board approve the special exception.

*Jennifer Stone will sit in on the case.*

**Motion:** O. Perry motioned to grant the special exception with the condition that, prior to the issuance of a Certificate of Occupancy, the applicant provide Planning Department staff for their review and approval a plan showing the location and type of screening proposed for the property as is required by Section 170-44.F of the Zoning Ordinance together with a timeline as to the installation of said screening. Seconded by W. Colbath. Vote: U/A.

- C. \* Z 12-18 David A. Goodwin, 37 Dover Neck Road, Tax Map M, Lot 79B, located in the Rural Residential (R-40) District. The subject property is improved with a Quonset hut and wooden office building, both which are currently used as a training facility for the carpenters' union. The applicant proposes to remove the Quonset hut and use the wooden office building as a small scale printing business with up to three (3) employees. Applicant requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-40 District Table of Use and Dimensional Requirements to permit the wooden building to be used as a printing business with up to three (3) employees where printing business is not a permitted use in the R-40 District.



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Atty. James Schulte represented the applicant. He stated that the lot is 3.75 acres. He gave a brief overview of the previous use of the property. Mr. Goodwin has run a printing business off Littleworth Road for many years. Due to the changing times, there is less need for print services. His proposal is to upgrade the property and operate a small print shop. There are very few walk-in customers, and much of his business is repeat business, primarily done by phone. Two or three times per week UPS will deliver/pickup. Mr. Goodwin delivers much of the orders himself. There is very little traffic, and there will be no signage. The Quonset hut contains old equipment from the carpenter's union and would not be removed until next year. At that time, the Quonset hut would be removed also. The proposed hours of operation would be Monday-Thursday 8 a.m. to 3:30 p.m. A second basis for the variance is the definition of personal services establishment, but the definition does not help. The cost of the materials on an annual basis is about 28% of the volume of business that he does. Mr. Goodwin's business is a customized print shop with very little traffic.

O.Perry confirmed that he would have up to two employees, including himself, for a total of three.

*Public Hearing open.*

Joyce Bowden, 374 Middle Road, is a direct abutter to Mr. Goodwin's home and 200 feet to the rear of the property. She stated there are other abutters within 200 feet who were never notified. She stated that this is a request of convenience. He recently purchased the property knowing it didn't meet the criteria and then applied for a variance. With today's EPA standards, and no City water/sewer, she is concerned with the waste water from the discharge of waste ink getting into the ground water and into the wetlands. She spoke about the wetlands behind the house. She spoke about the idea of having a subdivision out back. She cautioned that the land out back is all wetlands. He purchased the property and is trying to expand a non-conforming use, which the EPA considers a hazard. There is no hardship, he created his own hardship. She also questioned how many people were notified about this meeting, and feels that many people that should have been notified were not.

T.Corwin stated the applicant can ask for a continuance and re-notice abutters; or if they continue with the hearing tonight and the Board grants a variance, then they are subject to the possibility of a rehearing request being submitted.

Linda Osburn, 366 Middle Road, stated she is within 200 feet and was not notified.

*Recess the public hearing.*

**Motion:** O.Perry motioned to continue to the October 18, 2012 meeting. Seconded by C.Prior seconded.  
Vote: U/A.

- D. \* Z 12-19 Vincent A. Duffy (Owner: 23 Atkinson St., LLC), 23 Atkinson Street, Tax Map 9, Lot 17, located in the Urban Density Multi-Residential (RM-U) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the RM-U District Table of Use and Dimensional Requirements to permit the first floor of the building to be used as an office for a psychotherapy practice.

Vincent Duffy stated he purchased this building a month ago. He is relocating his practice to this building. The building is approximately 1500 s.f. and includes a handicap ramp. He is a clinical social worker and some clients



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may have disabilities and some are elderly. There is an adequate 12 space parking lot behind the building. The property is presently zoned as a 3-unit residential. He will use ½ of the first floor for two offices and modifications will include adding a door on the left hand side of the building on St. Thomas Street. The two offices will be side by side, one for him and one for another therapist. The rest of the building will be residential.

O.Perry confirmed with Duffy that there will be two individual therapist offices on the first floor, and the remainder of the building will be a one bedroom on the second floor and a studio apartment on the third floor.

*Public hearing open. Nobody spoke. Public hearing closed.*

### **Staff Recommendations:**

Staff believes that the property is unique in that the first floor is outfitted for commercial purposes and has been used for commercial purposes for many years. The property is improved with a large parking lot that also supports a commercial use of the property. The commercial use of the property is also compatible with the uses permitted in Central Business District (CBD) which is located directly adjacent to the property. In the CBD, located directly across both Atkinson Street and St. Thomas Street, commercial on the first floor is not only permitted, but is in fact a requirement (the CBD General and Mixed Use prohibit residential on the first floor). Staff believes the proposed office use is a modest and reasonable use of the first floor of this building and will have significantly less impact on the neighborhood than the most recent daycare use.

The Planning Department recommends the Board approve the variance.

*Jennifer Stone sat in on the case.*

**Motion:** O.Perry motioned to grant the variance as recommended. Seconded by F.Landford. Vote: U/A

### **6. STAFF COMMENTS:**

T.Corwin stated that the NH Local Government Center sponsors a Law Lecture Series in the fall. The topic is procedural basics for Planning Boards and Zoning Boards. The lecture will be held on Monday, October 24<sup>th</sup>, at 7 p.m. at the Newington Town Hall. There is a fee to enroll; however, the City would cover the fees for the lecture. Corwin feels it would be beneficial and would like to see ZBA members attend. Anyone interested in attending should let Tim Corwin know by next week.

### **7. ADJOURN:**

**Motion:** O.Perry motioned to adjourn at 8:22 p.m. Seconded by J.Stone. Vote: U/A.



**CITY OF DOVER**

# ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z12-18)

*Revised – 10/11/12*

Application Type:	Variance
Applicant:	David A. Goodwin
Owner:	David A. and Janet K. Goodwin
Location:	37 Dover Neck Road (Tax Map M, Lot 79B)

**INTENT:** Applicant requests a variance from Section 170-12.A of the Zoning Ordinance and the R-40 District Table of Use and to permit the existing wooden office building to be used as a printing business with up to three (3) employees where printing business is not a permitted use in the R-40 District.

**LOTS/UNITS PROPOSED:** n/a

**AGENDA ITEM #:** 4-C

**ZONING DISTRICT:** R-40

**EXISTING LAND USE:** Commercial

**PROPOSED LAND USE:** Commercial

**SURROUNDING LAND USE:** Single family residential

**PREVIOUS ZBA ACTION:** None

**PLANNING BOARD APPROVAL REQUIRED:** No

**ATTACHMENTS:**

- PREVIOUSLY PROVIDED TO ZBA: Application with supplementary materials including letter from applicant, addendum, letter from abutters, photos, and aerial photo
- PROVIDED WITH THIS REVISED MEMO: Fourteen (14) pages of materials from Joyce Bowden, Abutter including e-mail to T. Corwin and two (2) memos

**APPLICATION IS COMPLETE:** Yes

**NOTICES AS REQUIRED:** Yes

**STAFF RECOMMENDATION:**

The Planning Department supports the variance request.

**Summary of Request and Background**

The subject property contains 3.85 acres and is located at 37 Dover Neck Road. The property is improved with a Quonset hut and wooden office building, both which are currently used as a training facility for the carpenters’ union. The applicant proposes to remove the Quonset hut and use the wooden office building as a small scale printing business with up to three (3) employees. Applicant requests a variance from Section 170-12.A of the Zoning Ordinance and the R-40 District Table of Use and to permit the wooden building to be used as a printing business with up to three (3) employees where printing business is not a permitted use in the R-40 District.

**Reason for Staff Recommendation**

Staff believes that the property is unique in that although it is located in a residential district, it is improved with two commercial structures and has been historically used for commercial purposes. The proposal represents both a continuation of the commercial use of the property, and a betterment in that the applicant will remove the unsightly Quonset hut. The removal of this building will bring the overall property into more conformance with the Zoning Ordinance and will remove an eyesore. Staff believes the proposed printing business will have less of a negative impact than the current use in that the printing business will be limited to no more than three (3) employees at a time and will be confined to a single building as opposed to the existing two.

**Recommendation**

The Planning Department is not opposed to the variance request and recommends the Board hold the public hearing and grant the requested variance on the following conditions:

- The Quonset hut shall be removed within one (1) year of the variance approval date.
- No more than three (3) employees permitted on the premises at any time.
- The carpenter’s union sign in the front of the property shall be removed within three (3) months of the variance approval date.

*\*\*\*Based on the materials provided by Ms. Bowden, the Planning Department is also concerned as to whether there will be any environmental impacts that will negatively affect the subject and surrounding properties. Provided that the Zoning Board of Adjustment finds that the Applicant satisfactorily addresses this concern regarding the environmental impact of his printing operation, Staff would continue to recommend approval of the requested variance subject to the conditions listed above.\*\*\**



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: 212-18 Date Received:
Amount Paid: \$ 216.00 Time Received:
RECEIVED SEP - 5 2012

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: David A. Goodwin Phone # 742-6013

Address of Applicant: 23 Dover Neck Road, Dover, NH 03820

E-Mail Address: david@northeastprintingservices.com

PROPERTY OWNER (if different from applicant): David A. Goodwin and Janet K. Goodwin

Address: 23 Dover Neck Road, Dover, NH 03820 Phone # 742-6013

E-Mail Address: same

PROPERTY/PARCEL INFORMATION

Address: 37 Dover Neck Road

Brief Directions: On right hand side of Dover Neck Road, just past intersection with Middle Road

Zoning District: R-40 Assessor's Map # M Lot(s) # 79B

TYPE OF APPEAL: (Please check one)

- XX Variance from Section 170-11 of the Zoning Ordinance
Physical Disability Variance (RSA 674:33-V) from Section of the Zoning Ordinance
Special Exception per Section of the Zoning Ordinance
Appeal of Administrative Decision regarding Section of the Zoning Ordinance
Equitable Waiver per Section of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

To operate a small part-time printing business at a property which currently is used as a training facility for the carpenters' union.

## APPLICATION CHECKLIST (Please check off)

A. **Application signed** by Applicant and Property Owner (if different from Applicant) XX  
*Note:* In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.

B. **10 Copies of Completed Zoning Board of Adjustment Application** XX  
*Note:* Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)).

C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. 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. XX

D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above). XX

E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. \_\_\_\_\_

F. **List of abutters** including addresses and map and lot number of parcels that adjoin or are located within two hundred (200) feet (including land across the street or waterway) of the subject property. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line, shall be notified by first class mail only. XX

G. **Mailing Labels** in triplicate with abutters names and addresses for notices. **(Use Avery 5160 label)** XX

H. **TOTAL FEE** paid by cash or check made payable to "City of Dover"

1.	Application fee of:	
	\$100.00 VARIANCE (per Section requested)	\$ <u>100.00</u>
	\$100.00 SPECIAL EXCEPTION	\$ _____
	\$100.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ _____
	\$100.00 EQUITABLE WAIVER	\$ _____
2.	Certified letters fee: # of abutters <u>5</u> X \$8.00 =	\$ <u>40.00</u>
3.	Applicant & Owner mailing fee: <u>2</u> X \$8.00 =	\$ <u>16.00</u>
4.	First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X \$1.00 =	\$ _____
5.	Foster's newspaper public notice	\$ <u>60.00</u>

**TOTAL FEE** \$ 216.00

# VARIANCE REQUIREMENTS

## THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

### A. Variance Requested

A variance is requested from Section(s) 170-11 of the Zoning Ordinance to permit:  
The operation of a small, part-time printing business.

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### B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

See attached.

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2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

See attached.

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3. Granting the variance would do substantial justice because:

See attached.

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# SIGNATURE PAGE

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

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

<p><b>IMPORTANT</b></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>
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David A. Goolin  
Signature of Applicant\*

David A. Goolin  
Signature of Owner\*

\*Both Signatures Required

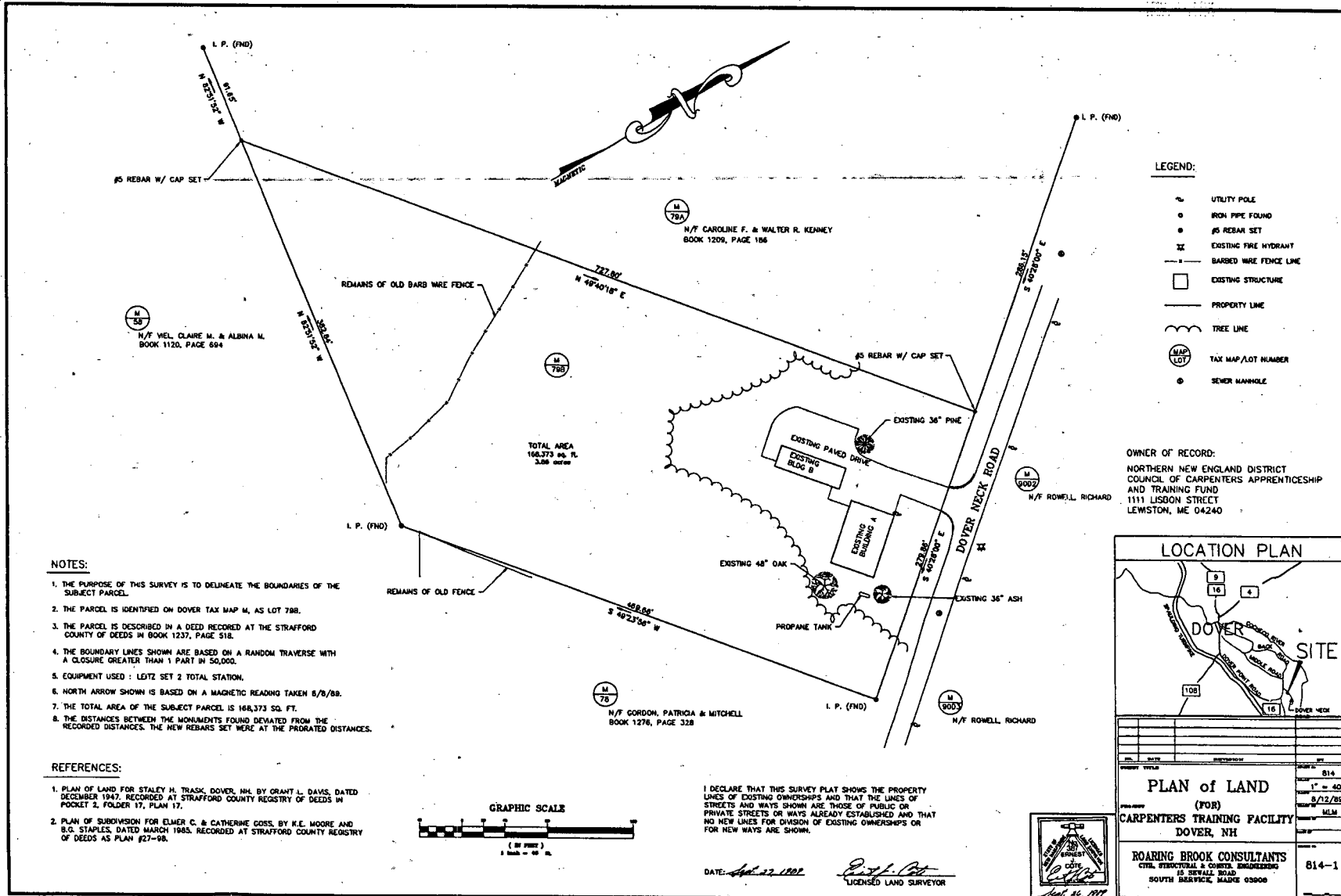
## AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: David A. Goolin Date: 9/4/2012

017241

82907-3 AL11-28





**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z12-18)

*Revised – 10/11/12*

Application Type:	Variance
Applicant:	David A. Goodwin
Owner:	David A. and Janet K. Goodwin
Location:	37 Dover Neck Road (Tax Map M, Lot 79B)

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**LOTS/UNITS PROPOSED:** n/a

**AGENDA ITEM #:** 4-C

**ZONING DISTRICT:** R-40

**EXISTING LAND USE:** Commercial

**PROPOSED LAND USE:** Commercial

**SURROUNDING LAND USE:** Single family residential

**PREVIOUS ZBA ACTION:** None

**PLANNING BOARD APPROVAL REQUIRED:** No

**ATTACHMENTS:**

- **PREVIOUSLY PROVIDED TO ZBA:** Application with supplementary materials including letter from applicant, addendum, letter from abutters, photos, and aerial photo
- **PROVIDED WITH THIS REVISED MEMO:** Fourteen (14) pages of materials from Joyce Bowden, Abutter including e-mail to T. Corwin and two (2) memos

**APPLICATION IS COMPLETE:** Yes

**NOTICES AS REQUIRED:** Yes

**STAFF RECOMMENDATION:**

The Planning Department supports the variance request.

### Summary of Request and Background

The subject property contains 3.85 acres and is located at 37 Dover Neck Road. The property is improved with a Quonset hut and wooden office building, both which are currently used as a training facility for the carpenters' union. The applicant proposes to remove the Quonset hut and use the wooden office building as a small scale printing business with up to three (3) employees. Applicant requests a variance from Section 170-12.A of the Zoning Ordinance and the R-40 District Table of Use and to permit the wooden building to be used as a printing business with up to three (3) employees where printing business is not a permitted use in the R-40 District.

### Reason for Staff Recommendation

Staff believes that the property is unique in that although it is located in a residential district, it is improved with two commercial structures and has been historically used for commercial purposes. The proposal represents both a continuation of the commercial use of the property, and a betterment in that the applicant will remove the unsightly Quonset hut. The removal of this building will bring the overall property into more conformance with the Zoning Ordinance and will remove an eyesore. Staff believes the proposed printing business will have less of a negative impact than the current use in that the printing business will be limited to no more than three (3) employees at a time and will be confined to a single building as opposed to the existing two.

### Recommendation

The Planning Department is not opposed to the variance request and recommends the Board hold the public hearing and grant the requested variance on the following conditions:

- The Quonset hut shall be removed within one (1) year of the variance approval date.
- No more than three (3) employees permitted on the premises at any time.
- The carpenter's union sign in the front of the property shall be removed within three (3) months of the variance approval date.

*\*\*\*Based on the materials provided by Ms. Bowden, the Planning Department is also concerned as to whether there will be any environmental impacts that will negatively affect the subject and surrounding properties. Provided that the Zoning Board of Adjustment finds that the Applicant satisfactorily addresses this concern regarding the environmental impact of his printing operation, Staff would continue to recommend approval of the requested variance subject to the conditions listed above.\*\*\**



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: 212-20 Date Received: OCT - 3 2012
Amount Paid: \$ 216.00 Time Received:
CR# 1015 By

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: HOWARD M. MACDONALD Phone # 603-742-4228
Address of Applicant: 1 Constitution Way Dover, NH - 03820
E-Mail Address:

PROPERTY OWNER (if different from applicant): MARK KAUFMAN
Address: 306 Dahlia Dr. Wayland, MA, 01778 Phone # 508-358-1065
E-Mail Address:

PROPERTY/PARCEL INFORMATION

Address: Same
Brief Directions: Dover Brook - Across from Cemetery on
Dover Point Road
Zoning District: R40 Assessor's Map # K0021 Lot(s) # 000046

TYPE OF APPEAL: (Please check one)

- [X] Variance from Section of the Zoning Ordinance
Physical Disability Variance (RSA 674:33-V) from Section of the Zoning Ordinance
Special Exception per Section of the Zoning Ordinance
Appeal of Administrative Decision regarding Section of the Zoning Ordinance
Equitable Waiver per Section of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

Add car port to existing building (Home) Attach car
port to building - Currently have handicap ramp -
this due to me being wounded in Viet Nam - (Right leg) which
I've had 2 total knee replacements on this leg plus a
metal rod in this leg. (I've had 3 total knee replacements - and
my wife (Anne) has had 2.



# VARIANCE REQUIREMENTS

## THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

### A. Variance Requested

A variance is requested from Section(s) \_\_\_\_\_ of the Zoning Ordinance to permit:

Adding Car Port (Attaching to Main Building) So as to Reduce Walking Distance from Building to Vehicle in inclement weather. (Ice, Snow, Rain and Hail) - Plus the vehicle, under the car port, will be free of these same items. According to current ordinance we need 12' from property to the abutter - we only have approximately 10' plus.

### B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

Private use -

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

12 foot requirement - we have a little over 10' large full trees (of arborvitae) that provide some degree of privacy -

3. Granting the variance would do substantial justice because:

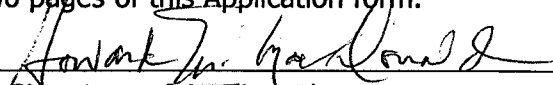
As a DAV I try to stay away from stairs - this is why we moved to Dover Brook - wife and I have had five (5) total knee replacements between us. Part of the handicap ramp (which is in place) will be under cover - and will be easier to and safer in inclement weather. (Ice, snow and etc.)

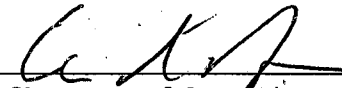
# SIGNATURE PAGE

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

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

<p><b>IMPORTANT</b></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\*  
Eric Kautman

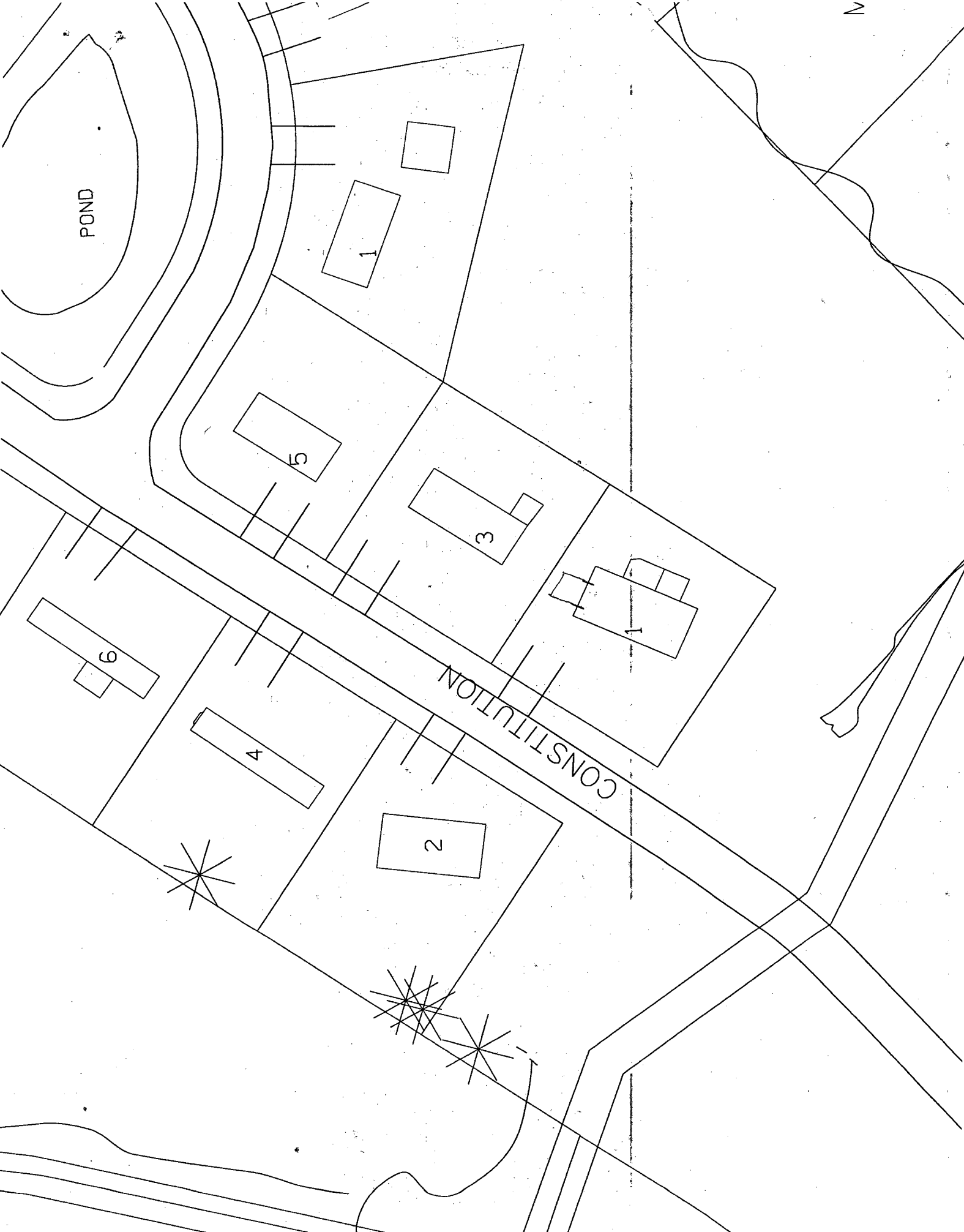
\*Both Signatures Required

## AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_





POND

1

5

3

1

6

4

2

CONSTITUTION

N



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: 212-22 Date Received:
Amount Paid: \$ Time Received:

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Dover Chevrolet, Jerry Staveris Phone # 603-970-1193

Address of Applicant: 5 Dover Point Road, Dover, New Hampshire 03820

E-Mail Address: jstaveris@iclaautos.com

PROPERTY OWNER (if different from applicant): M & E Jespersen Realty, LLC

Address: Porsche of Stratham, 58 Portsmouth Avenue, Phone # 603-418-0288
Stratham, New Hampshire 03885

E-Mail Address: mjespersen@iclaautos.com

PROPERTY/PARCEL INFORMATION

Address: Dover Chevrolet, 5 Dover Point Road, Dover, New Hampshire 03820

Brief Directions:

Zoning District: B3 Assessor's Map # K Lot(s) # 40B

TYPE OF APPEAL: (Please check one)

- X Variance from Section 170-32 F) Table of the Zoning Ordinance
Physical Disability Variance (RSA 674:33-V) from Section of the Zoning Ordinance
Special Exception per Section of the Zoning Ordinance
Appeal of Administrative Decision regarding Section of the Zoning Ordinance
Equitable Waiver per Section of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

The existing automobile dealership is being renovated to update the image of the building, including new exterior siding and new signage. The design for the renovations is being done to comply with Chevrolet standards. The standards locate the "Chevrolet" name and "Bowtie" symbol on the front tower, and the "Dover" name is located on the adjacent front soffit. The location on the adjacent front soffit is considered by the City to be a separate sign.

## APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant)       X        
*Note:* In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.
- B. **10 Copies of Completed Zoning Board of Adjustment Application**       X        
*Note:* Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)).
- C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. 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
- D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above).       X
- E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application.       X
- F. **List of abutters** including addresses and map and lot number of parcels that adjoin or are located within two hundred (200) feet (including land across the street or waterway) of the subject property. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line, shall be notified by first class mail only.       X
- G. **Mailing Labels** in triplicate with abutters names and addresses for notices. **(Use Avery 5160 label)**       X
- H. **TOTAL FEE** paid by cash or check made payable to "City of Dover"
- |    |  |                  |
|----|--|------------------|
| 1. | Application fee of:  |                  |
|    | \$100.00 VARIANCE (per Section requested)  | \$ <u>100.00</u> |
|    | \$100.00 SPECIAL EXCEPTION   | \$ <u>0</u>      |
|    | \$100.00 APPEAL FROM ADMINISTRATIVE DECISION   | \$ <u>0</u>      |
|    | \$100.00 EQUITABLE WAIVER  | \$ <u>0</u>      |
| 2. | Certified letters fee: # of abutters <u>8</u> X \$8.00 =   | \$ <u>64.00</u>  |
| 3. | Applicant & Owner mailing fee: <u>2</u> X \$8.00 =   | \$ <u>16.00</u>  |
| 4. | First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters <u>0</u> X \$1.00 = | \$ <u>0</u>      |
| 5. | Foster's newspaper public notice   | \$ <u>60.00</u>  |

**TOTAL FEE** \$ 240.00

# VARIANCE REQUIREMENTS

*THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY*

**A. Variance Requested**

A variance is requested from Section(s) \_\_\_\_\_ 170-32 F) Table of the Zoning Ordinance to permit:

Two wall mounted signs on the front facade of the building in lieu of one sign.

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**B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))**

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

See attached.

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2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

See attached.

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3. Granting the variance would do substantial justice because:

See attached.

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4. The value of surrounding property will not be diminished because:

See attached.

**NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.**

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

See attached.

**and**

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

See attached.

**and**

(iii) The proposed use is a reasonable one because:

See attached.

**OR**

5B. If the criteria in subparagraph 5A above are not established, explain how, 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:



2 October 2012

**Application for a Variance**

Dover Chevrolet

AG Architects Project No. 12-620

- Assessor Map K, Lot 40B, Zoning District B3.
- Variance is requested from Section 170-32 F) Table of the Zoning Ordinance to permit two wall signs on the front facade of the building in lieu of one wall sign.
- Site Plan, Summary of Signs, Drawings (Elevation and Sign Details) and Photographs are attached.
- Facts Supporting This Request:

1. *Waiving the terms of the Ordinance will not be contrary to the public interest because:*

The two wall signs proposed for the front facade of the automobile dealership provide the complete name for the facility, Dover Chevrolet, which is important for a person trying to find the dealership. The sign(s) need to be of an adequate size to be visible to the public from the street so that traffic safety is maintained, and the sign(s) needs to identify the name of the dealership so that the public knows if they are at their desired location. Visibility and proper identification are in the public interest.

The only reason that two signs are requested rather than one is that the design of the building, established and set by Chevrolet standards, has a tower in front of the front facade, and the symbol and letters for "Dover Chevrolet" do not all fit on that tower. The "Dover" letters would be on the front facade next to the tower rather than on the tower itself. The City Planning Department has indicated that even though it is only one name, Dover Chevrolet, because the letters are on different planes it is considered to be two signs. The attached Sign Summary indicates that the total size of the proposed signs remain within the requirements of the Ordinance.

2. *Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:*

The intent of the Ordinance is to permit Owners to have signs that identify their facility and are visible, yet do not become so large as to be obnoxious or unsightly. The tower facade, sized and proportioned to fit the existing building, will not accommodate the entire sign without the letters being too small to be useful. The fact that the proposed two wall signs only identify the facility name once, rather than duplicating the name, and that the signs comply with the total size permitted for signs, demonstrates that the spirit of the Ordinance is being maintained.

3. *Granting the variance would do substantial justice because:*

Allowing this building to have signs on the front of the building that still comply with the Ordinance's size limits and are comparable to other buildings in the same area is the essence of justice. It is only considered two signs because the tower facade is proud of the front facade, and the tower facade, determined by Chevrolet design standards and good proportions, is not large enough to accommodate the full name. Splitting the sign into two parts as proposed does not make for two duplicate signs, it just allows the one sign with the Owner's facility name to be displayed

one time. Approving this variance to permit the full name of the dealership “Dover Chevrolet” across the front and tower facade will provide the Owner with the same sign capabilities as other properties, which is substantial justice.

4. *The value of surrounding property will not be diminished because:*

The building condition, prior to the start of these improvements, probably had a negative impact on the neighborhood due to its poor appearance. The improvements being made to the building and the site, including the new signs, a new exterior finish, replacing unsightly elements such as rusted light poles, and providing permeable pavers at the front parking area, will greatly enhance the appearance and value of the Owner’s property and, as a result, enhance the surrounding property values.

5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:*

(i) *The following special conditions of the property distinguish it from other properties in the area:*

The Dover Chevrolet facility was constructed approximately 50 years ago prior to most of today’s Ordinances. The limitations set by the existing size of the building, which is not being changed in this renovation, affect what can be done with the building. The location for signs is limited by the existing facade and the tower design required to fit the existing building, leaving only a limited amount of wall space available.

(ii) *No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:*

The public purpose of allowing signs to identify a building is just as important for this building as it is for others. Denying the second wall sign that provides space for the full dealership name because the architecture creates a front facade on a different plane than the tower facade creates a hardship for Dover Chevrolet, especially where the public purpose of identifying the dealership for the public would be seriously impacted. Applying the Ordinance in this special situation is not fair or just, and does not promote the public purpose of this Ordinance.

(iii) *The proposed use is a reasonable one because:*


It is entirely reasonable that Dover Chevrolet be allowed a second wall sign that will permit it to display its full name, within size limits of the Ordinance, similar to other businesses in the area. Dover Chevrolet has the same need and purpose as other businesses to display their name and to be visible to the public and their clients, to clearly and attractively identify the building and its tenants, and to assist the public in finding the business.

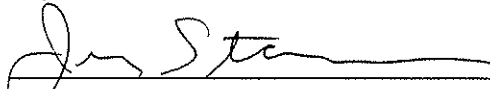
# SIGNATURE PAGE

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

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

<p><b>IMPORTANT</b></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>
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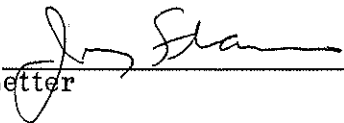
  
\_\_\_\_\_  
Signature of Applicant\*

  
\_\_\_\_\_  
Signature of Owner\* Refer to Authorization Letter

\*Both Signatures Required

## AUTHORIZATION TO ENTER SUBJECT PROPERTY

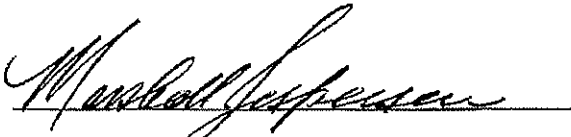
I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner:  \_\_\_\_\_ Date: 10/31/12  
Refer to Authorization Letter

July 10, 2012

To Whom It May Concern:

For purposes of the current renovation at 5 Dover Point Road (Dover Chevrolet), International Cars Ltd, Inc.'s (Tenant) Facilities Manager, Mr. Jerry Staveris is authorized to submit for all necessary permits with the town on behalf of M&E Jespersen Realty, LLC. Thank you.

A handwritten signature in cursive script, reading "Marshall Jespersen", written over a horizontal line.

Marshall Jespersen

President

M&E Jespersen Realty, LLC.

# Sign Summary

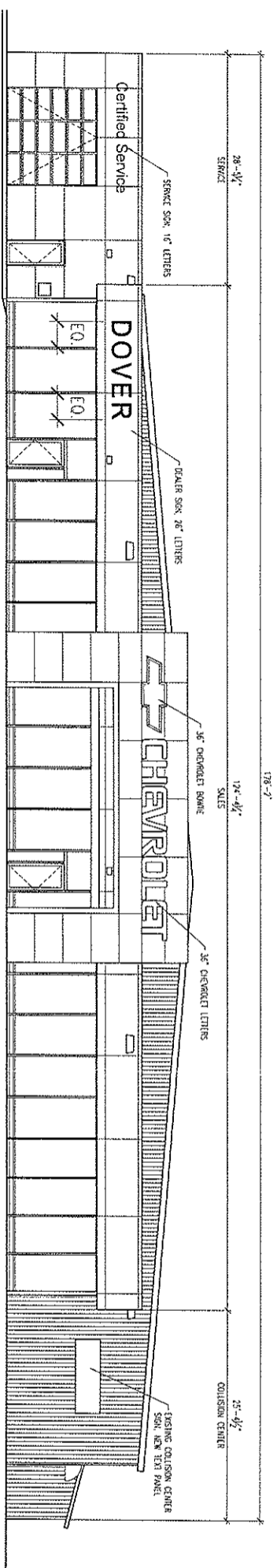
## Dover Chevrolet

AG Architects, PC  
 844 Central Avenue, Dover, NH 03820  
 E-Mail: ag@agarchitects.com  
 www.agarchitects.com  
 Phone: 603-743-3780  
 Fax: 603-743-3777

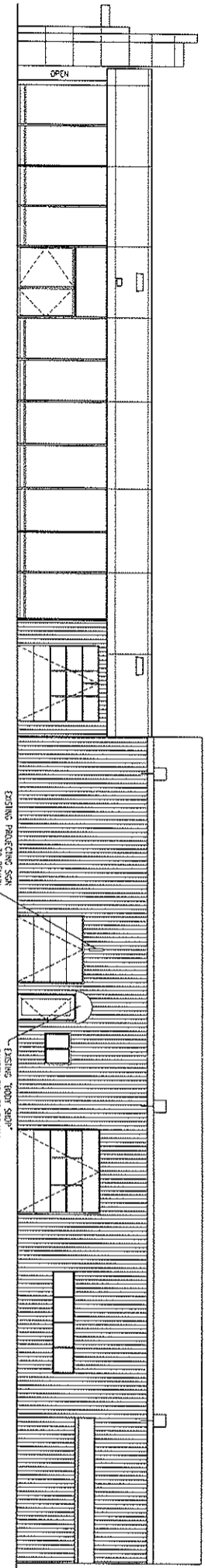


AG Architects Project No. 12-620  
 2 October 2012

	Description	SF	
<b>Service</b>	Allowed: (28'-5-1/4")(2SF/1LF Frontage) =	56.88	
	Approved:		
	Existing Freestanding "Certified Service" (Photo 1)	37.00	
	Approved Wall "Certified Service" Letters	17.88	
		<u>54.88</u>	Complies
<b>Sales</b>	Allowed: (124'-4-1/4")(2SF/1LF Frontage) =	248.70	
	Proposed:		
	Existing Freestanding "Chevrolet Dover" (Photo 2)	80.00	
	Existing Freestanding "Certified Used Vehicles" (Photo 3)	41.00	
	Approved Wall Sign "Chevrolet" Letters (73.41) and Bowtie (27.77)	101.18	
	Proposed Wall Sign "Dover" Letters	22.57	
		<u>244.75</u>	Complies
	Existing Freestanding "Chevrolet Dover", Highway Frontage (Photo 4)	<b>80.00</b>	Complies
<b>Collision Repair</b>	Allowed: (25'-4-1/2")(2SF/1LF Frontage) =	50.76	
	Approved:		
	Existing Wall Sign Collision Center" (Photo 5)	37.00	
	Existing Projecting Sign (Collision Center, Parts" (Photo 6)	7.50	
	Existing Canopy Sign "Body Shop" (Photo 7)	4.00	
	<u>48.50</u>	Complies	



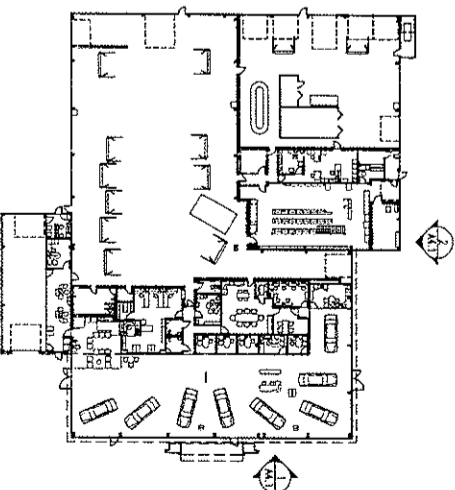
2 North Elevation  
1/8"=1'-0"



4 West Elevation  
1/8"=1'-0"

Signs

WALL SIDE:	HEIGHT	LENGTH	SF
CHEVROLET BOWTIE	36"	9'-3 1/2"	2727
APPROVED CHEVROLET (LETTERS)	36"	24'-5 1/2"	7344
PROPOSED BOWTIE (LETTERS)	36"	10'-5"	2227
APPROVED CERTIFIED SERVICE (LETTERS)	16"	13'-4 1/2"	1788
EXISTING COLLISION CENTER/PANES (PANEL)			37
EXISTING COLLISION CENTER/PANES (FRONTING)			73
EXISTING BOB SIGN (DANGER)			4
EXISTING REMAINING SIGNS			
CERTIFIED SERVICE (FRONT)			37
CHEVROLET (FRONT)			60
CERTIFIED USED VEHICLES (FRONT)			41
CHEVROLET (FRONT)			80

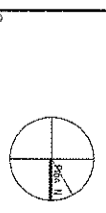


3 Key Plan

AG Architects, PC  
634 Central Avenue, Dover, NH 03820  
E-Mail [ags@agarchitects.com](mailto:ags@agarchitects.com)  
[www.agarchitects.com](http://www.agarchitects.com)  
Phone: 603-743-3700  
Fax: 603-743-3777



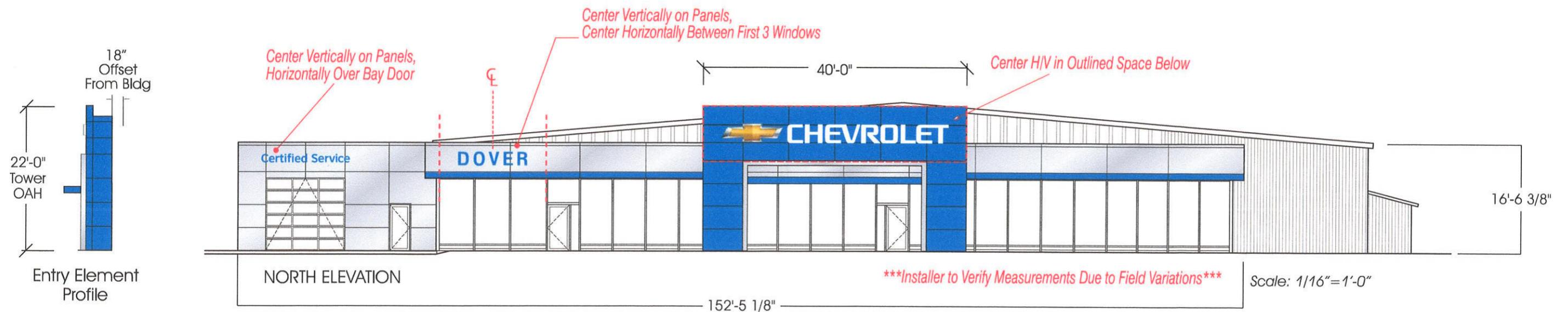
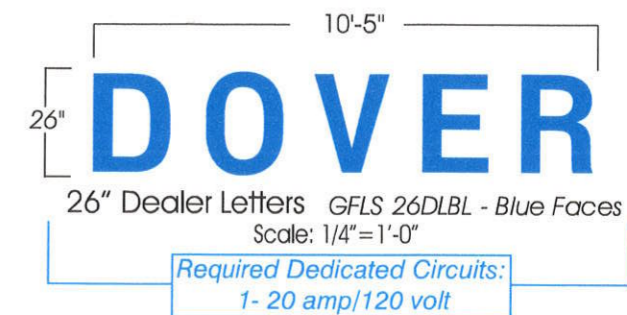
Dover Chevrolet  
International Cars, Limited  
Dover, New Hampshire



Client:	2 October 2012
Scale:	1/8" = 1'-0"
Drawn By:	ML
Checked By:	AG
Sheet:	1 of 1
Sheet Title:	132800-040-03 HVAC DETAILS
Project Name:	Exterior Elevations Signs/Lights
Sheet Number:	A4.1-A



ELEMENTS					
ELEMENT	SIZE (HEIGHT)	LENGTH	SQUARE FT.	WEIGHT	ELECTRICAL
Chevrolet Bowtie 2010	36"	9'-3 1/16"	27.77	27 lbs	1 amp
Chevrolet Signature	36"	24'-5 5/8"	73.41	108 lbs	2 amps
Dealer Name Letters	26"	10'-5"	22.57	12lbs/letter	.5 amps/letter
Certified Service Letters	16"	13'-4 15/16"	17.88	64 lbs	1 amp



**SIGNATURE REQUIRED TO VALIDATE ORDER\*\*\***

**DEALER APPROVAL**

Date: \_\_\_/\_\_\_/\_\_\_

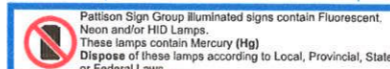


410 N. CEDAR BLUFF RD. • SUITE 101 • KNOXVILLE, TN 37923  
 • Tel (865) 693-1105 • Fax (888) 694-1106 • Toll Free (866) 218-1976

Pattison Sign Group recommends signage based on the Design Intent Drawings provided by Gensler. If your final approved design documents differ from the original scale or size it is recommended that your General Contractor send the revised dimensions of your building facade for additional review. The size and placement of the ACM reveals (seams) is a vital part of our recommendation process to comply with General Motors design guidelines.



This sign intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.



Pattison Sign Group illuminated signs contain Fluorescent, Neon and/or HID Lamps. These lamps contain Mercury (Hg). Dispose of these lamps according to Local, Provincial, State, or Federal Laws.



www.pattisonsign.com

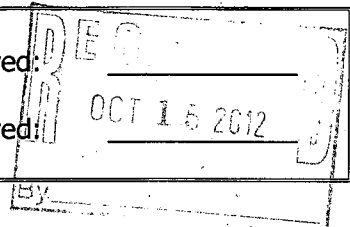
BAC#:	164265
Client:	DOVER AUTO WORLD
Site:	DOVER, NH
Date:	05-03-12
Rev. Date:	
Draftsman:	R. Andree
Rev. #:	
Scale:	as noted
Page:	



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: Z12-23 Date Received:
Amount Paid: \$ 291.00 Time Received:
OK# 18195



APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Changing Places, LLC Phone # (603) 749-3800

Address of Applicant: 42J Dover Point Road, Dover, NH 03820

E-Mail Address: changingplacesllc@gmail.com

PROPERTY OWNER (if different from applicant): The Estate of Rita T. Taylor

Address: c/o George Taylor 248 Littleworth Road, Madbury NH 03823 Phone #

E-Mail Address:

PROPERTY/PARCEL INFORMATION

Address: 72 Durham Road

Brief Directions: 4.6 +/- acre parcel with an existing residential home

Zoning District: RM-SU, R-20 Assessor's Map # 1 Lot(s) # 12

TYPE OF APPEAL: (Please check one)

- X Variance from Section 170-12A of the Zoning Ordinance
Physical Disability Variance (RSA 674:33-V) from Section of the Zoning Ordinance
Special Exception per Section of the Zoning Ordinance
Appeal of Administrative Decision regarding Section of the Zoning Ordinance
Equitable Waiver per Section of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

Construct a 20 unit residential development and retain the existing home.
The development will be set back 500' from the road and will have no wetlands impact.

## APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant)   x    
*Note:* In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.
- B. **10 Copies of Completed Zoning Board of Adjustment Application**   x    
*Note:* Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)).
- C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. 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
- D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above).   x
- E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application.
- F. **List of abutters** including addresses and map and lot number of parcels that adjoin or are located within two hundred (200) feet (including land across the street or waterway) of the subject property. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line, shall be notified by first class mail only.   x
- G. **Mailing Labels** in triplicate with abutters names and addresses for notices. **(Use Avery 5160 label)**   x
- H. **TOTAL FEE** paid by cash or check made payable to "City of Dover"

1.	Application fee of:	
	\$100.00 VARIANCE (per Section requested)	\$ <u>100.00</u>
	\$100.00 SPECIAL EXCEPTION	\$ <u>          </u>
	\$100.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ <u>          </u>
	\$100.00 EQUITABLE WAIVER	\$ <u>          </u>
2.	Certified letters fee: # of abutters <u>10</u> X \$8.00 =	\$ <u>80.00</u>
3.	Applicant & Owner mailing fee: <u>2</u> X \$8.00 =	\$ <u>16.00</u>
4.	First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters <u>35</u> X \$1.00 =	\$ <u>35.00</u>
5.	Foster's newspaper public notice	\$ <u>60.00</u>

**TOTAL FEE**    \$ 291.00

# VARIANCE REQUIREMENTS

***THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY***

## **A. Variance Requested**

A variance is requested from Section(s) 170-12.A of the Zoning Ordinance to permit:

We are requesting a variance to allow 20 new residential units with 6,331 square feet of upland in the RM-SU where 10,000 square feet of upland is required.

## **B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))**

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

See Attached

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

See Attached

3. Granting the variance would do substantial justice because:

See Attached

4. The value of surrounding property will not be diminished because:

See Attached

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**NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.**

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

See Attached

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**and**

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

See Attached

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**and**

(iii) The proposed use is a reasonable one because:

See Attached

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**OR**

5B. If the criteria in subparagraph 5A above are not established, explain how, 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:

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# EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

## ***THIS SECTION TO BE COMPLETED BY EQUITABLE WAIVER APPLICANTS ONLY***

An Equitable Waiver of Dimensional Requirements is requested from Article \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning ordinance to permit \_\_\_\_\_

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1. Does the request involve a dimension requirement, not a use restriction?    yes    no

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2. a) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the city **OR** b) explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser **AND** how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

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3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

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4. Explain how the cost of correction far outweighs any public benefit to be gained.

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**NOTE: The Board must find in the affirmative on all four questions or the request must be denied**

## VARIANCE REQUIREMENTS:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

The applicant seeks a variance to allow the construction of 20 new residential units in the RM-SU Zone while retaining the existing residence in the RM-20 Zone for a total of 21 units on this property.

This property is located in an area of the City where there has been intensive residential development. The Density Exhibit shows the density calculations for nearby residential developments. Those projects range in size from 15 units to 163 units, and the average amount of land per unit ranges from 3,034 square feet to 15,471 square feet. Taking all of the projects into consideration, the average amount of land per unit is 4,856 square feet. The property which is immediately adjacent to this site has 62 units with 3,770 square feet per unit in the RM-SU Zone which includes wetlands. The proposal for this property is 20 units on 126,637 square feet of upland in the RM-SU Zone so that each new unit would have 6,331 square feet of uplands associated with it where 10,000 square feet is required.

The public interest is affected if the proposed use would constitute a fundamental change in the neighborhood or if there would be a substantial impact on health and safety. The proposed variance will allow development of this multi-family project with greater amounts of land per unit than is the average for other multi-family developments in this area. Granting this variance will not constitute a fundamental change in the neighborhood, but would allow development at a lesser density than already exists. The residential use is allowed in this zone and would not cause a substantial impact on health and safety. City utilities are adequate to provide service for the number of units proposed in this request.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the ordinance because:

The spirit of the ordinance is to allow multi-family development which is consistent with other multi-family projects in the neighborhood. The proposed density will be less intensive than other projects in the area, and provides substantially more land per unit than is the average for existing developments in this area. City utilities are adequate to provide service for number of units proposed in this request. This project is consistent with other properties in the neighborhood.

3. Granting the variance would do substantial justice because:

Substantial justice is done if the benefit to the applicant exceeds any detriment to the general public. The proposed use is less intensive than the average of other similar projects in the neighborhood. Those existing projects have existed for many years without any detrimental impact on abutting properties or on the neighborhood. This project will not have any detrimental impact on the neighborhood or on the City in general.

4. The value of surrounding properties will not be diminished because:

The proposed use is less intensive than the average of other similar projects in the neighborhood. Those existing projects have existed for many years without any detrimental impact on abutting properties or on the neighborhood. This project will not have any detrimental impact on the neighborhood or on the City in general since it is the same type of use as is existing in the neighborhood.

The existing house near Durham Road will be retained, although it may be converted to a duplex. The new residences to be constructed will be set back more than 500 feet from Durham Road and will not be readily visible from Durham Road. The immediate abutter is the multi-family project known as The Garrison, which is more intensively developed than what is proposed for this site.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(i) The following special conditions of the property distinguish it from other properties in the area:

This parcel is 4.714 acres which is bisected by the R-20 and the RM-SU zones. The immediate abutter is the multi-family project known as The Garrison, which is more intensively developed than what is proposed for this site. The parcel is larger than other underdeveloped lots having frontage on Durham Road. The property has areas of wetlands which make the siting of new residences more difficult. The property is located in a neighborhood in which the existing development is more intensive than what is currently allowed.

(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 because:

The general purpose of the ordinance is to limit the density of multi-family development of land. However, this property is located adjacent to or near other multi-family projects which already have a greater density than what is being requested for this.

(iii) The proposed use is a reasonable one because:

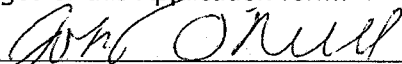
The proposed use will be less intensive than what exists in the neighborhood and what exists on the adjacent lot. The proposed use is consistent with other properties in the neighborhood, but will have less density than the average of those other projects. City utilities are adequate to provide service for the number of units proposed in this request.


## SIGNATURE PAGE

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

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

<p><b>IMPORTANT</b></p> <p>PROPERTY IDENTIFICATION SIGN MUST BE POSTED ON THE PROPERTY FOR THE 5 DAYS PRIOR TO HEARING.</p> <p>FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED.</p>
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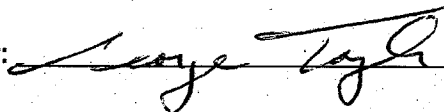
  
\_\_\_\_\_  
Signature of Applicant\*

  
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Signature of Owner\*

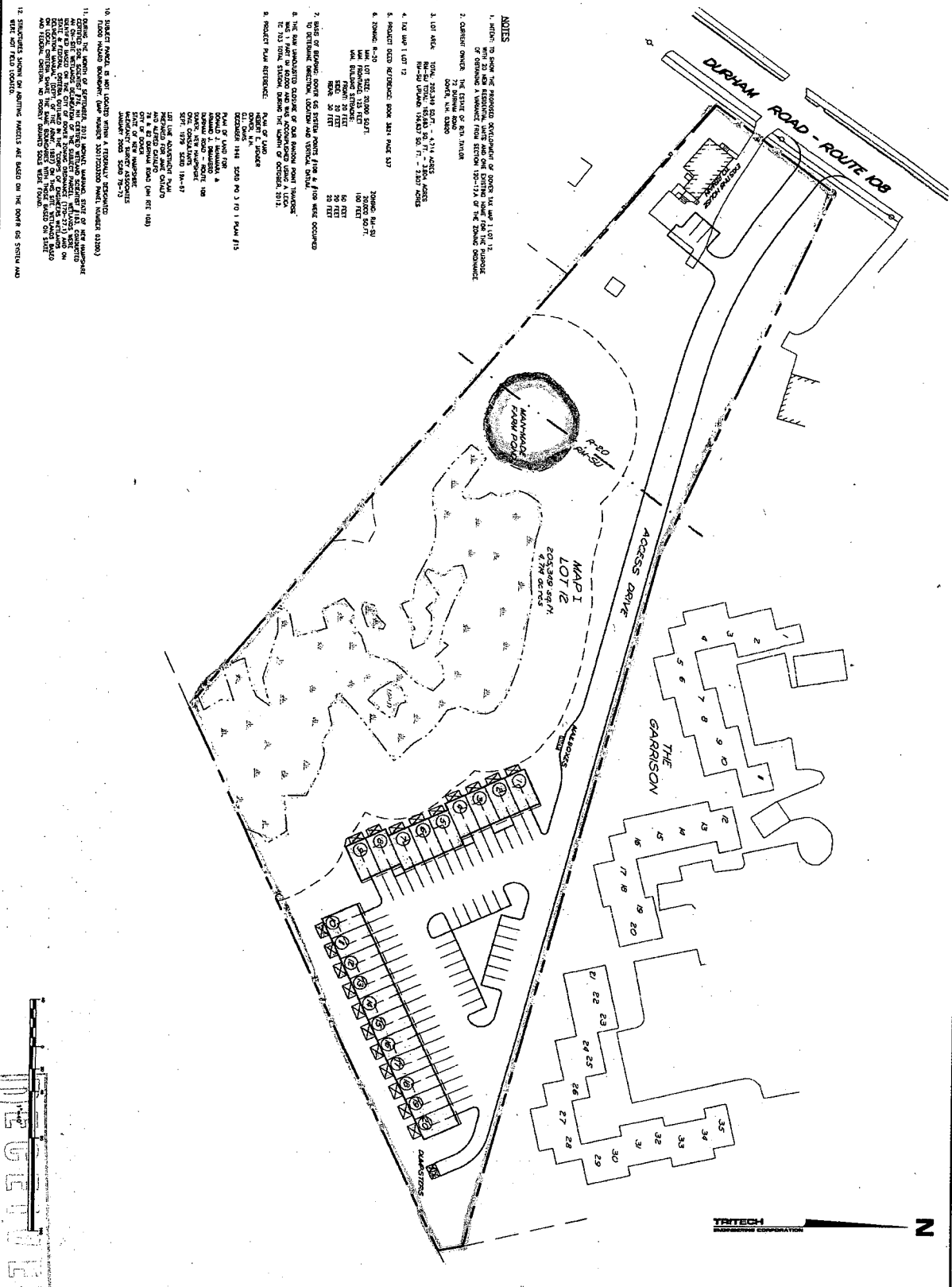
\*Both Signatures Required

### AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

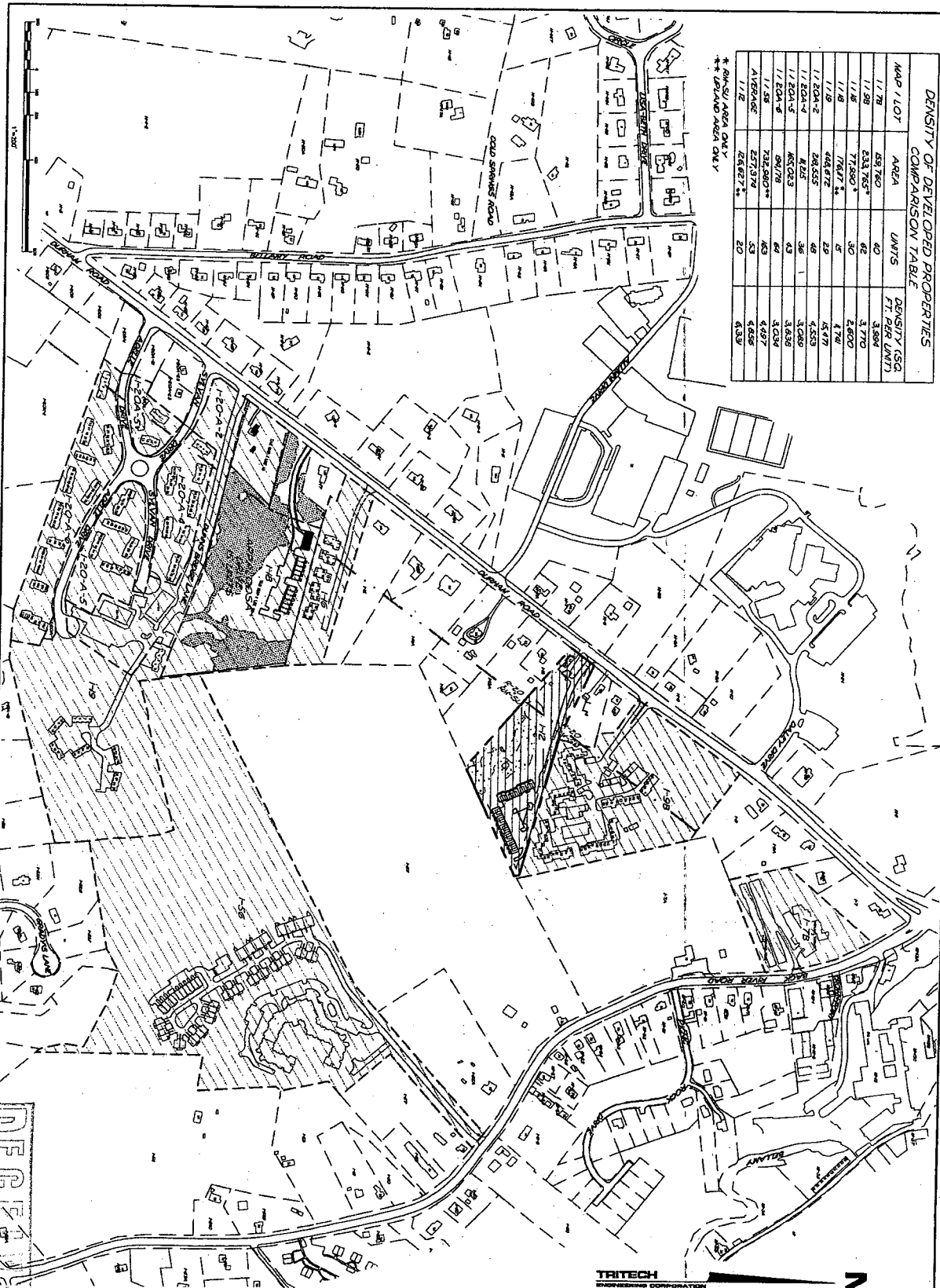
Signature of Property Owner:  Date: 10-3-12





- NOTES**
1. REFERENCE TO THE PROPOSED DEVELOPMENT OF MAP I LOT 12, WITH 203,306 SQUARE FEET AND ONE ENTIRE SHARF FOR THE PURPOSE OF OBTAINING A VARIANCE FROM SECTION 10-112A OF THE ZONING ORDINANCE.
  2. CURRENT OWNER: THE ESTATE OF RITA TAYLOR  
DOVER, NH 03820
  3. LOT AREA: TOTAL: 203,306 SQ. FT. - 4.71 ACRES  
NET: 198,000 SQ. FT. - 4.53 ACRES  
NET: 198,000 SQ. FT. - 4.53 ACRES
  4. LOT AREA: 1,007.12
  5. PROJECT CDD REFERENCE: 2008 001 PAGE 107
  6. ZONING: R-20  
LOT SIZE: 20,000 SQ. FT.  
MIN. FRONT YARD SETBACK: 100 FEET  
MIN. SIDE YARD SETBACK: 20 FEET  
MIN. REAR YARD SETBACK: 20 FEET
  7. STATE OF NEW HAMPSHIRE DEPARTMENT OF REVENUE HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF REVENUE'S REQUIREMENTS FOR A VARIANCE FROM SECTION 10-112A OF THE ZONING ORDINANCE.
  8. THE STATE DEPARTMENT OF REVENUE HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF REVENUE'S REQUIREMENTS FOR A VARIANCE FROM SECTION 10-112A OF THE ZONING ORDINANCE.
  9. PROJECT PLAN REFERENCE: RITA TAYLOR  
111 DOWNS  
DOVER, NH 03820  
DECEMBER 1981 2008 PG 2 OF 11 PLAN #15
  10. SUBJECT PARCEL IS NOT LOCATED WITHIN A FISCALLY RESPONSIBLE
  11. DURING THE PERIOD OF REVIEW, THE PROJECT, INCLUDING STATE OF NEW HAMPSHIRE DEPARTMENT OF REVENUE'S REQUIREMENTS FOR A VARIANCE FROM SECTION 10-112A OF THE ZONING ORDINANCE, WAS REVIEWED BY THE STATE OF NEW HAMPSHIRE DEPARTMENT OF REVENUE'S REQUIREMENTS FOR A VARIANCE FROM SECTION 10-112A OF THE ZONING ORDINANCE. THE STATE OF NEW HAMPSHIRE DEPARTMENT OF REVENUE'S REQUIREMENTS FOR A VARIANCE FROM SECTION 10-112A OF THE ZONING ORDINANCE.
  12. STRUCTURES SHOWN ON EXISTING PLANS ARE BASED ON THE POWER GAS SYSTEM AND NOT ON FIELD DATA.

SHEET NO. <b>2-1</b>	ZONING VARIANCE PLAN <b>THE ESTATE OF RITA T. TAYLOR CHANGING PLACES, LLC 72 DURHAM ROAD DOVER, NEW HAMPSHIRE OCTOBER 10, 2012 JOB No. 12127 SCALE: 1" = 40'</b>	REVISIONS		<b>TRITECH</b> ENGINEERING CORPORATION  785 CENTRAL AVENUE DOVER, NEW HAMPSHIRE 03820 TELEPHONE: 603 745 8107 FAX: 603 745 9220
		DATE:	DESCRIPTION:	



**DENSITY OF DEVELOPED PROPERTIES  
COMPARISON TABLE**

MAP LOT	AREA	UNITS	DENSITY (SQ FT. PER UNIT)
1/178	429,760	40	3,584
1/180	233,783*	62	3,770
1/18	77,800*	30	2,600
1/19	76,877*	5*	1,741
1/109	446,872	29	4,579
1/104-2	26,535	48	4,529
1/104-3	8,252	36	3,288
1/104-4	85,023	43	3,539
1/104-5	89,776	64	3,034
1/104-6	732,500**	43	4,927
1/104-7	237,374	53	4,586
1/104-8	124,827**	20	4,539

\* ORIGINAL AREA ONLY  
\*\* DEVELOPED AREA ONLY

RECEIVED  
 OCT 15 2012

SHEET NO. **DE-1**  
**DENSITY EXHIBIT**  
**THE ESTATE OF RITA T. TAYLOR**  
**CHANGING PLACES, LLC**  
 72 DURHAM ROAD  
 DOVER, NEW HAMPSHIRE  
 OCTOBER 3, 2012 JOB No. 12127  
 SCALE: 1" = 200'

REVISIONS	
DATE	DESCRIPTION

**TRITECH**  
 ENGINEERING CORPORATION  
 705 CENTRAL AVENUE  
 DOVER NEW HAMPSHIRE 03806  
 TELEPHONE: 603 748 9107  
 FAX: 603 748 9850