



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, August 15, 2013**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF JULY 18, 2013

3. HEARINGS

- A. * Z 13-11 Todd & Denise Corley, 518 Sixth Street (Tax Map B, Lot 3) located in the Rural Residential (R-40) District, request 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 construction of a 42 sq. ft. covered entry way to be located approximately 21 ft. from the front lot line where a minimum setback of 40 ft. from the front lot line is required.
- B. * Z 13-12 Parish of the Assumption (Owner: Roman Catholic Bishop of Manchester), 25 Chestnut Street a/k/a 31 Third Street (Tax Map 31, Lot 24) located in the Central Business District (CBD) - General, requests a variance from **Section 170-32.A** of the Zoning Ordinance and the CBD-General District Table of Use and Dimensional Requirements to permit the replacement of an existing 17.2 sq. ft. nonconforming freestanding sign with a 16 sq. ft. freestanding sign where freestanding signs are not permitted in the CBD-General District.
- C. * Z 13-13 Jay Schadler and Jorden Cook, 359 Old Garrison Road (Tax Map J, Lot 15) located in the Rural Residential (R-40) District, 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 construction of a single family dwelling to be located approximately 15 ft. from the rear lot line where a minimum setback of 30 ft. from the rear lot line is required.
- D. * Z 13-14 Maribe Leah Zolli, 12 Leighton Road (Tax Map 8, Lot 22) 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 the construction of (a) a single family dwelling to be located 6 ft. from each side lot line where minimum setbacks of 20 ft. are required, and (b) an accessory structure to be located approximately 5 ft. from the rear lot line where a minimum setback of 10 ft. is required, and approximately 2 ft. from the side lot line shared with 8 Leighton Road where a minimum setback of 10 ft. is required.
- E. * Z 13-15 Robert Dill, 30 Cushing Street (Tax Map 10, Lot 81) 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 construction of a carport to be located approximately 1 ft. from the rear lot line where a minimum setback of 10 ft. is required, and approximately 1 ft. from the side lot line shared with 26 Cushing Street where a minimum setback of 10 ft. is required.

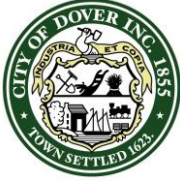
4. RE-HEARING REQUEST – Z 13-09(R) STEPHANIE VOCELL, 20 ROBERTS ROAD (TAX MAP L, LOT 96H)

5. ADJOURN

*** If the application is accepted for discussion, the public hearing will be held that evening.**

Persons with questions or interested in reviewing the application materials are invited to visit the Planning Department located in City Hall, open Monday-Thursday from 8:30 am to 5:30 pm. The application materials are also available on-line at www.dover.nh.gov. A map showing project locations can be found at www.dover.nh.gov/planhome.htm.

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, City Hall, Dover, NH 03820
Meeting Date: **Thursday, July 18, 2013**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), Frank Landford, James Kelley, Chris Prior, Bob Hall (Alternate)
Members Not Present: Otis Perry (Vice Chair), Jennifer Stone (Alternate), Joshua Cote (Alternate)
Staff Present: Timothy Corwin (Assistant City Planner), Gail Pare (Recording Secretary)

The Chair called the meeting to order at 7:00 p.m. He opened the meeting, introduced the Board and staff members to the audience, and described the process used to hear cases.

2. APPROVAL OF PRIOR MINUTES OF THE JUNE 20, 2013 MEETING

Motion: B.Hall motioned to accept the June 20, 2013 meeting minutes. Seconded by F.Landford.
Vote: 4-0. Sam Reid recused himself as he was not present at the June meeting.

3. HEARING – CONTINUED FROM JUNE 20, 2013

- A. * Z 13-10 Robert F. 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.

R.Fisher represented the owner and discussed his request for a variance. He stated for the record, he does not own the land but owns the lunch cart which he acquired in lieu of legal services rendered. He feels that the variance should be approved for the following reasons: There is no opposition to the lunch cart, the land can accommodate it. He stated that he would agree to place the lunch cart on the property in any area the City feels would be appropriate, and that there is land in the middle which could also be used. He would accept limitations regarding the hours of operations, and he pointed out the general use of the neighborhood includes a mixed use of commercial and residential and an industrial park across the street.

R.Fisher confirmed for B.Hall that the lunch cart is a converted school bus and it is a permanent location and would not be moving. The owners have agreed to the placement of the lunch cart on their land.

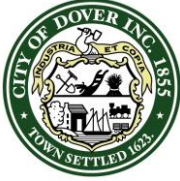
B.Hall asked about utilities. R. Fisher said just electric, no need for sewer. He has to deal with the Health Inspector and he would dictate what they would need and if he states that they need a bathroom it would be dealt with at that time. Water is not necessary; they would have a water dispenser on site.

R.Fisher confirmed for S.Reid that the structure is a two family building with families living in the structure.

C.Prior asked what the number of allowed units is by law. Mr. Corwin can answer that, but he stated he believes up to four families.

Public Hearing Open. Nobody spoke. Public Hearing Closed.

REASON FOR STAFF RECOMMENDATION



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Staff believes that 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, if desired.

T.Corwin confirmed for S.Reid that he prepared a draft finding of fact and that the Board could choose to adopt or not adopt any of the facts. He added that the finding of fact #8 is relative to the 2000 variance. The variance criteria has changed since 2000 and now feels that fact #8 not be adopted into the decision on this case.

S.Reid commented that in light of the Simplex case and cases after that and referenced the Supreme Court; he agrees with T.Corwin that fact #8 not be adopted as a fact in this matter. Fact #8 has been removed as a finding of fact.

R.Fisher reminded the Board of a court case in reference of a woman who owns a 2 acre lot who wanted to have a couple of horses which was not allowed by the ordinance. The Supreme Court stated that the City must permit it. The Supreme Court says it is permissible. He said he doesn't have to prove any special conditions to justify the use; rather he has to prove the use is not contrary to public interest. He stated that he would provide plans and incur the expense of a detailed plan if the Board should request it. He felt that Planning Staff should have requested it and he will comply with any requests of the Board now.

S.Reid reminded R.Fisher that it is not the burden of the Planning staff, but it is up to the applicant to provide a detailed application packet for the Board to make a decision on a case.

C.Prior asked had he not acquired the lunch cart would he be here today to ask for a variance.

R.Fisher replied probably not.

S.Reid asked R.Fisher if he read the draft findings of fact drafted before the June meeting.

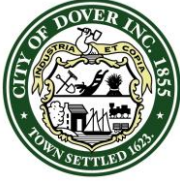
R.Fisher said yes, he had read it and he agrees with numbers 1-5, but they are irrelevant. He disagrees with #6, because this property is in a commercial district and not a residential district. He disagrees with #7 and stated that this district is commercial.

Board discussion was held regarding the owner of the property that has a crane business, and the impact of property values.

R.Fisher stated that there is no evidence that the value of the properties would be diminished. He stated that #4 is no longer applicable under the Simplex case.

J.Kelley commented about the specifications of the Zoning and that they do change with time; he asked T.Corwin if the Zoning could be modified.

T.Corwin stated that there may be a legislative reason to update the specifications of the zone. He commented that the property is across the street from an Industrial zone.



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T.Corwin confirmed for B.Hall that the Zoning Board of Adjustment is allowed to consider diminished property value; if there is evidence of it, the Zoning Board is allowed to use their experience and common sense when discussing and granting a variance.

Public Hearing Closed.

S.Reid stated that he has read the findings of facts. He stated that the Board is aware that the property is in the R-20 district and that eating and drinking are not allowed, and he is across the street from the I-zone.

B.Hall commented that the property is not empty and that the current use is residential.

C.Prior commented that the property in its current state is already being used for what zoning has allowed.

J.Kelley feels that there is no reason to upset the residential use and that there are other suitable locations he could use.

S.Reid asked if we adopt the findings of fact they can be used in the decision.

Board discussion ensued about the lunch cart diminishing property values in the area.

Motion: B.Hall motioned to accept the findings of fact. Motion on the table. Discussion ensued.

Motion: C.Prior motioned the request to deny using the finding of facts as provided as the reason for denial. Seconded by B.Hall. Discussion ensued.

T.Corwin suggested going through the individual finding of facts.

Board discussion ensued on each of the 5 criteria.

C.Prior stated that he has mixed feelings about the variance request.

F.Landford feels it does not fit the spirit of the ordinance.

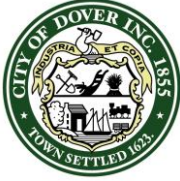
B.Hall commented that it is zoned residential and its use is primarily residential.

Robert Fisher left the meeting at 7:39 p.m.

Vote: The motion passed unanimously to deny the variance.

4. HEARINGS – NEW

- A. * Z 13-08 New England Veterinary Cremation Services (Owner: Jewett Commercial Park LLC), 24 Crosby Road, Unit 3 (Tax Map G, Lot 31-3) located in the Rural Restricted Industrial (I-2) District, requests a variance from Section 170-12.A of the Zoning Ordinance and the I-2 District Table of Use and Dimensional Requirements to permit a pet crematory where a pet crematory is not a permitted use in the I-2 District.



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Chris Flint identified himself as 50% owner in the NEVCS. His partner is Ken Myers. C.Flnt has been in the veterinary business for 24 yrs; his partner K.Myers his entire life. He stated that the need of this service is growing. He explained that due to several environmental issues, this is the best way of disposing of the remains of a pet. This would be a service to veterinarians only and they do not solicit to the general public. The animals are bagged by the veterinarians and stored until they are cremated. They chose Matthews Equipment because they are the best. There are very little environmental impacts. The machines meet the federal guidelines. He handed out the environmental statistics about the particular equipment. The temperature of the machine is about 1600°F so there is no smoke, no odor, and no environmental issues. The van would pick up the animals from the veterinarian, deliver them, and then cremate them. There are private and mass cremation options. Private remains are given back to the owners; mass cremation ashes would go to a pet cemetery or can go to a landfill as there are no environmental issues.

C.Prior asked about the neighbors in the industrial park and if there are any concerns.

C.Flnt stated that the machines are quiet; there is no smoke, and no odor.

B.Hall asked about regulations either local or state.

C.Flnt stated this is a state issue, and the volume the machine does is monitored through state reports.

The Matthews Company monitors the machine electronically for temperature and safety through a monitoring system. It is monitored by computer by the home office.

B.Hall asked if there are any local issues with the Conservation Commission and any other means in regards to the omissions.

T.Corwin stated he could not find anything locally about omissions monitoring.

J.Kelley asked T.Corwin if a human crematory is allowed.

T.Corwin confirmed for J.Kelley that it is allowed as an accessory use to a funeral home.

S.Reid feels it is federal due to the Clean Air Act legislation.

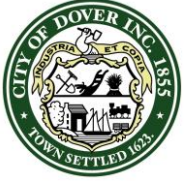
C.Flnt stated NH does not have any regulations. The fail safe and monitoring put in place is old, but Matthews is the oldest and the best in the industry and they are confident with the machine.

D.Choate, of Colliers International is the marketing agent for Jewett Park. He stated that the tenant mix is diverse; adjacent to this unit is a propeller company, a landscape company, and light manufacturing.

C.Flnt mentioned that Dover Veterinary office has a crematory in their building.

F.Landford questioned the no smoke/no odor.

C.Flnt responded that when the machine runs to manufacturing standards there is no smoke or odor.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z13-11)

Application Type:	Variance
Applicant:	Todd and Denise Corley
Owner:	Todd and Denise Corley
Location:	518 Sixth Street (Tax Map B, Lot 3)

INTENT: The Applicants propose to construct a 42 sq. ft. covered entry way over the existing steps to the front door of their home. A variance is required to permit the entry way to be located 21 ft. from the front lot line where a minimum setback of 40 ft. from the front lot line is required.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-A

ZONING DISTRICT: R-40 District

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SURROUNDING LAND USE:
Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, job description, sketch, photo, plot plan

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department supports the variance request.

Summary of Request and Background

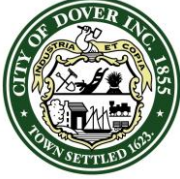
The property is located on Sixth Street and is improved with a single family house and garage. The Applicants propose to construct a 42 sq. ft. covered entry way over the existing steps to the front door of the home. A variance is required from Section 170-12.A of the Zoning Ordinance and the R-40 Table of Use to permit the entry way to be located 21 ft. from the front lot line where a minimum setback of 40 ft. from the front lot line is required.

Reason for Staff Recommendation

Although the size of the property is approximately 2.07 acres, the house and garage are constructed close to the road in the far corner of the lot. According to the City of Dover's records, the house is located approximately 29.8 ft from the road which is similar to the front setback for the abutting property at 520 Sixth Street (28.7 ft.) and 522 Sixth Street (31 ft.). The applicant has requested a variance to permit the entryway to be located no closer than 21 ft., however, the proposed dimensions of 6ft. x 7 ft. means that the entryway would at the most be located approximately 22.8 from the road. This distance is significantly greater than the setback of the existing garage, and, given the small size of the addition (42 sq. ft.), would not have any discernible negative impact on the character of the neighborhood.

Recommendation

The Planning Department recommends the Board hold the public hearing and approve the variance as requested.



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Public hearing open.

Jennifer Hall works at GlobalPak, which rents unit 1 and 2 in the same building. They are concerned about odors. They run a sales office. After listening to the presentation she feels confident that there would be no issues.

David Choate clarified that the previous tenants of units 3 and 4 were a janitorial firm. He stated that the odors from the crematory would be less offensive than the chemicals in the cleaning supplies. Every community in NH does not have an ordinance about a pet crematorium. He feels that this particular use would not diminish the value of properties in an industrial zone.

F.Landford questioned the animal storage.

C.Flint stated that there are on-site freezers, which hold the animals and they are cremated the same day or the next day.

REASON FOR STAFF RECOMMENDATION

Although a pet crematory is not specifically listed as a permitted use in any zoning district, Staff believes that it is important to accommodate all lawful uses within the City of Dover. The proposed location is well suited to this type of use since it is an industrial property surrounded by industrial uses.

The Planning Department recommends the Board approve the variance as requested.

Motion: B.Hall motioned to approve the variance provided that there are no noxious fumes omitted from the facility and that the equipment shall be maintained and operated according to the manufacturer. Seconded by J.Kelley. Vote: 5-0.

5. ADJOURN:

Motion: J.Kelley motioned to adjourn. Seconded by B.Hall. Vote: 5-0



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: Date Received: JUL 24 2013
Amount Paid: \$ Time Received:

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Todd and Denise Corley Phone # (603) 742-4236

Address of Applicant: 518 6th St. Dover, NH 03820

E-Mail Address: toddcorley@comcast.net

PROPERTY OWNER (if different from applicant):

Address: Phone #

E-Mail Address:

PROPERTY/PARCEL INFORMATION

Address: 518 6th St. Dover, NH 03820

Brief Directions: Outer sixth street on left 1.5 miles past Liberty Mutual Campus

Zoning District: R40 Assessor's Map # Sheet B-2 Lot(s) # B-3

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:

Remove existing steps and add a covered entry way to the front of the house.

Blank lines for describing plans for the property.

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

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

To permit construction of a 6x7 foot covered entry way to be located no closer than 21 ft from the property line.

Bid proposal from Dennis Fowler's Construction and simple line drawing attached.

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:

I want to be able to enter my house protected from the weather and to be able to safely use my front door in the winter. . . Currently the gambrel roof line and dormers funnel most of the snow from the front of the house directly in front of the door. Sheets of icicles forming in front of the door also make use interesting if not dangerous at times. The location of the buildings on my property prevent compliance with the R40 zoning. When the house was built in the 50's it was placed extremely close to the lot lines that are approximately north and west of the property. (GIS Map attached)

The existing porch is 30 ft from the property line and the garage is even closer, 10 foot from property line, than the variance I am requesting for the porch.

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

See part 1 above

3. Granting the variance would do substantial justice because:

It would provide a weather protected entry to the house and prevent unsafe/limited egress from the house in winter without substantially exceeding the current preexisting zoning noncompliance.

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

The proposed variance is consistent with local set backs in the older construction houses of outer 6th Street, including the existing garage on the property the is within 10 ft of the front property line.

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:

To meet R40 zoning requirements I would have to demolish and rebuild or relocate the buildings that have existed on the property since 1956. Since this property and many others in the area do not comply with the R40 I am assuming that the zoning ordinance was established after construction after the buildings on my property were built.

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:

As previously noted, the proposed setback variance is still further from the front property line than the current setback of my existing garage.

and

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

Allowing this variance would not change the overall minimum setback of the buildings on my property, just allow extending an already existing noncompliance for safety, convince, and overall aesthetics.

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:

Dennis Fowler's Construction

July 10, 2013

Mr. and Mrs. Corley

518 6th street Dover, NH

Job Description

To build a 6'x7' open entrance way to front of house. Ripping out old steps and installing a pitched roof entrance in.

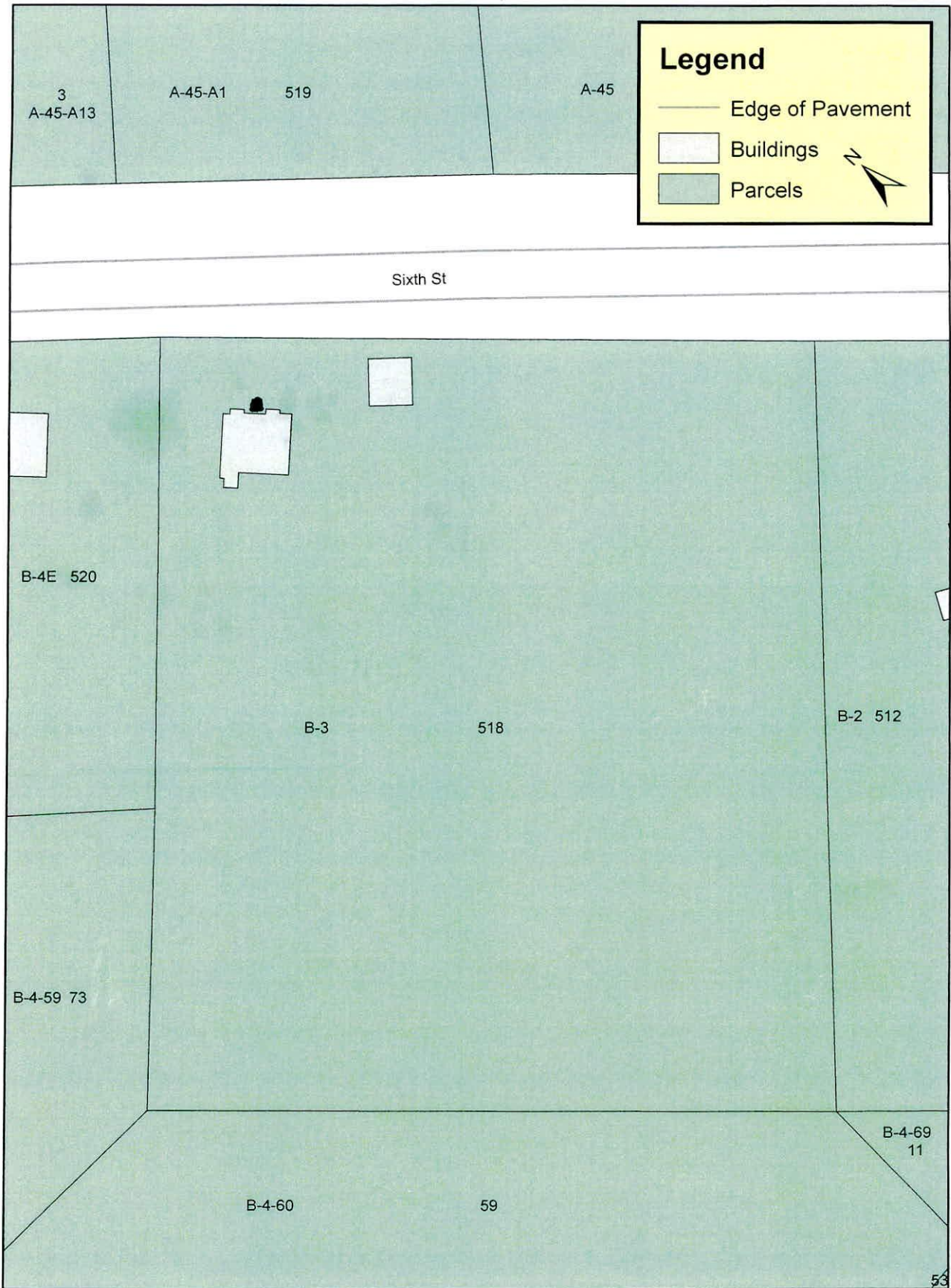
The following items to be done:

- Rip out old steps existing steps with sledge hammer to ground level. Haul to land fill, dump allowance \$200. (Price based on being all concrete block, no jack hammer figured in maybe needed if solid concrete is under brick).
- Pour 2 twelve inch sonnor tubes, support tubes 4' deep below frost line to meet building code. Concrete will be poured to grade level.
- Framing: frame a 6'x4' platform for door entrance using pressure treated lumber. Floor joist will be 2x8 spaced 16" on center support roof will be made with 2x6 ceiling joist Kiln Dried with 2x6 Kiln Dried rafters space 16" on center. 4x4 Pressure treaded poles will be used for support beams with vinyl sleeve around them, decorative caps will be used at top and bottom of the structural member.
- Sheathing & Roofing: Sheathing will be 7/16 Oriental Stand Board nailed to roofing rafters, roofing to match existing shingle color with ice belt over all sheathing (under Shingles) 8" drip edge will be applied on all rakes, and fascia boards. All fascia and rake boards will be wrapped with white aluminum. Soffits including porch will be v-matched 4" on center with venting soffits.
- Siding: siding to match existing house. White vinyl type 4" to match existing building.
- Porch steps: porch steps to be made of pressure treated lumber 2x12 with white PVC risers and skirt boards. Treads and platform will be of tex gray 6" planking screwed to framing members.
- Ballesters & hand railings: Hand railing will be fairway type to meet building codes.
- Electrical: Include outside lights, and to include one convenience outlet. (not must move dryer outlet to new location)

Estimated Price \$8,725

*Included in price: labor & materials

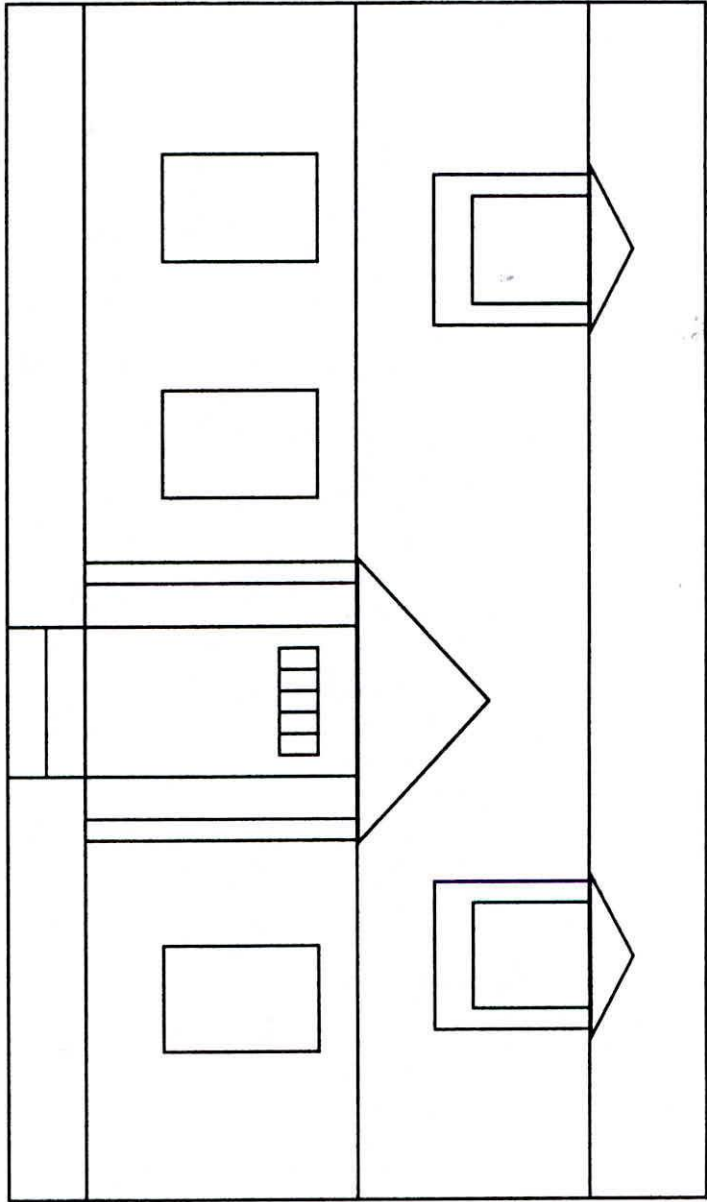
Plot Plan for 518 Sixth Street Dover, NH

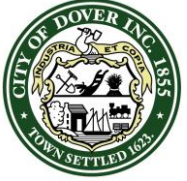


1 inch = 60 feet 0 30 60 120 Feet

Note: This is not a survey.







CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z13-12)

Application Type:	Variance
Applicant:	Parish of the Assumption
Owner:	Roman Catholic Bishop of Manchester
Location:	25 Chestnut Street a/k/a 31 Third Street (Tax Map 31, Lot 24)

INTENT: The Applicant seeks a variance to permit the replacement of an existing 17.2 sq. ft. nonconforming freestanding sign with a 16 sq. ft. freestanding sign where freestanding signs are not permitted in the CBD-General District.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-B

ZONING DISTRICT: Central Business District

EXISTING LAND USE: Church

PROPOSED LAND USE: Church

SURROUNDING LAND USE:
Institutional, Commercial, Multi-Family Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, supplemental narrative, schematics/sign specifications (2 sheets), tax map

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department supports the variance request.

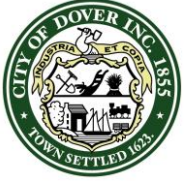
Summary of Request and Background

The property is located at the northwestern corner of the intersection of Chestnut and Third Street, and has been used for and improved with a church since the nineteenth century. Currently, there is a freestanding sign located on the property, approximately 17.2 sq. ft. in size, identifying the church and mass times. Because freestanding signs are not permitted in the Central Business District (CBD), the existing sign is considered legal non-conforming. The applicant proposes to replace the freestanding sign with a new freestanding sign, approximately 16 sq. ft. in size and in the same location. Section 170-32.N.3 of the Zoning Ordinance provides that “if [a] nonconforming sign is replaced, it shall be replaced in total with a sign that is in conformance with the provisions of [the sign regulations].” Because freestanding signs are not permitted in the CBD and replacement in kind is not permitted under the Zoning Ordinance, a variance is required from Section 170-32.A and the CBD-General District Table of Use and Dimensional Requirements to permit the proposed 16 sq. ft. replacement freestanding sign.

Reason for Staff Recommendation

The proposed sign will simply replace an existing sign in the same location, and will be slightly smaller and have significantly greater aesthetic appeal. The applicant’s inability to replace and update the signs is not outweighed by any gain to the public by preventing the variance relief. Indeed, it is not clear that the public will experience any gain by the denial of this variance in that the current sign is old, unattractive, and outdated. Rather, the public stands to gain by the granting of the variance which will permit a brand new aesthetically pleasing sign to replace a relatively unattractive “grandfathered” sign which is permitted by right to remain as is for as long as the sign stands and/or for as long as the church remains in this location. The new sign will constitute a betterment which, if anything, will only have a positive impact on the neighborhood and surrounding property values.

Recommendation



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z13-12)

Application Type:	Variance
Applicant:	Parish of the Assumption
Owner:	Roman Catholic Bishop of Manchester
Location:	25 Chestnut Street a/k/a 31 Third Street (Tax Map 31, Lot 24)

The Planning Department recommends the Board hold the public hearing and approve the variance as requested.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: 213-12 Date Received: JUL 31 2013
Amount Paid: \$ 500.00 CP# 4517 Time Received:

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Parish of the Assumption Phone # 603-942-4837

Address of Applicant: 150 Central Avenue

E-Mail Address: pastor@assumptiondovernh.org

PROPERTY OWNER (if different from applicant): RCBM

Address: 153 Ash St. Manchester, NH Phone # 669-3100

E-Mail Address:

PROPERTY/PARCEL INFORMATION

Address: 25 Chestnut Street / 31 Third Street

Brief Directions: located between Third + Fourth Streets on Chestnut Street.

Zoning District: CBD Assessor's Map # 31 Lot(s) # 24

TYPE OF APPEAL: (Please check one)

- [X] Variance from Section 190-32 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:

Request for a variance to replace the present free standing sign with a new free standing sign

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170.32 of the Zoning Ordinance to permit:

to request replacement of a current free standing sign with a new free standing sign.

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

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:

The Church and the Parish Hall are public buildings where people congregate for services and other occasions. The sign provides notice to the public of worship times.

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:

The present sign has served to give public notice to the general public for many years and has not caused or incurred any hardship or safety problems in this district of the city.

and

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

The present sign has provided public notice for many years and the new sign will continue to provide that same service to the public.

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:

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>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>

Very Rev Agapit H. Jeanje VF.
Signature of Applicant*

Very Rev Agapit H. Jeanje VF.
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: Very Rev Agapit H. Jeanje Date: 29 July 2013

Variance Requirements

B. The Five Variance Criteria

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

The test to determine whether a variance will be inconsistent with the spirit of the ordinance, which is that its grant must violate the ordinance's "basic zoning objectives." *Harborside Associates, L.P. v Parade Residence Hotel, LLC*. 162 N.H. 508, 514 (NH 2011). Whether the granting of a variance will violate the Zoning Ordinance's "basic zoning objectives" is in turn determined by examining whether granting the variance would "alter the essential character of the neighborhood," or examining "whether granting the variance would threaten the public health, safety or welfare." *Id.* Here, the proposed sign will simply replace an existing sign in the same location. The proposed sign is slightly smaller than then existing sign and has significantly greater aesthetic appeal. Therefore, it cannot be said that the sign will "alter the essential character of the neighborhood." Moreover, because the sign is located in a courtyard between the main church building and the church hall, it is nearly indiscernible to oncoming traffic from either direction. Therefore, it also cannot be said that the sign would "threaten the public health, safety or welfare."

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

See response to variance criteria #1 [the New Hampshire Supreme Court has recently noted that the test to determine the public interest and spirit of the ordinance criteria are one in the same. See *Harborside* at 514 (N.H. 2011)].

3. Granting the variance would do substantial justice because:

The test for determining whether the granting of a variance would do substantial justice is "whether the general public [stands] to gain from a denial of the variance." *Harborside citing Citing Malachy Glen Assocs. v. Town of Chichester*, 155 N.H. 102 (2007). Here, the inability to replace the existing freestanding sign with a smaller, newer and significantly more aesthetically pleasing freestanding sign is not outweighed by any gain to the public by preventing the variance relief. Indeed, it is not clear that the public will experience *any* gain by the denial of this variance in that the current sign is old, unattractive, and outdated. Rather, the public stands to gain by the *granting* of the variance which will permit a brand new aesthetically pleasing sign to replace a relatively unattractive "grandfathered" sign which is permitted by right to remain as is for as long as the sign stands and/or for as long as the Church remains in this location.

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

The only zoning criteria at issue here is that freestanding signs are not allowed in the Central Business District. However, a "grandfathered" freestanding sign already exists at this location, and is permitted to remain for as long as the sign stands and/or for as long as the Church remains in this location. The new sign will constitute a betterment which, if anything, will only have a positive impact on the neighborhood and surrounding property values.

5. Hardship – See application form.



Parish of the Assumption
Saint Mary's Church

Monday - Thursday	8:00am	St. Joseph
Saturday	4:00pm	St. Mary
	<small>(Memorial Day thru Columbus Day) 6:00pm</small>	<small>Chapel of the Nativity</small>
Sunday	7:00 am	St. Joseph
	9:00am, 11:00am	St. Mary
	<small>(St. Ann - Our Lady of the Most Holy)</small>	St. Mary

25 Third Street

LANDSCAPING
BY OTHERS

JOB#:

SCOPE OF WORK - BARLOMEX

SCOPE OF WORK - BARLO

Manufacture & install (1) S/F Non-illuminated Dimensional Signfoam panel on granite post

SCOPE OF WORK - SIGN/SUB

GENERAL NOTES

SIGN DISPOSITION

- Store for Barlo Leave @ Site Dispose
- Store for Customer Chargeable N/A

GENERAL INFO.

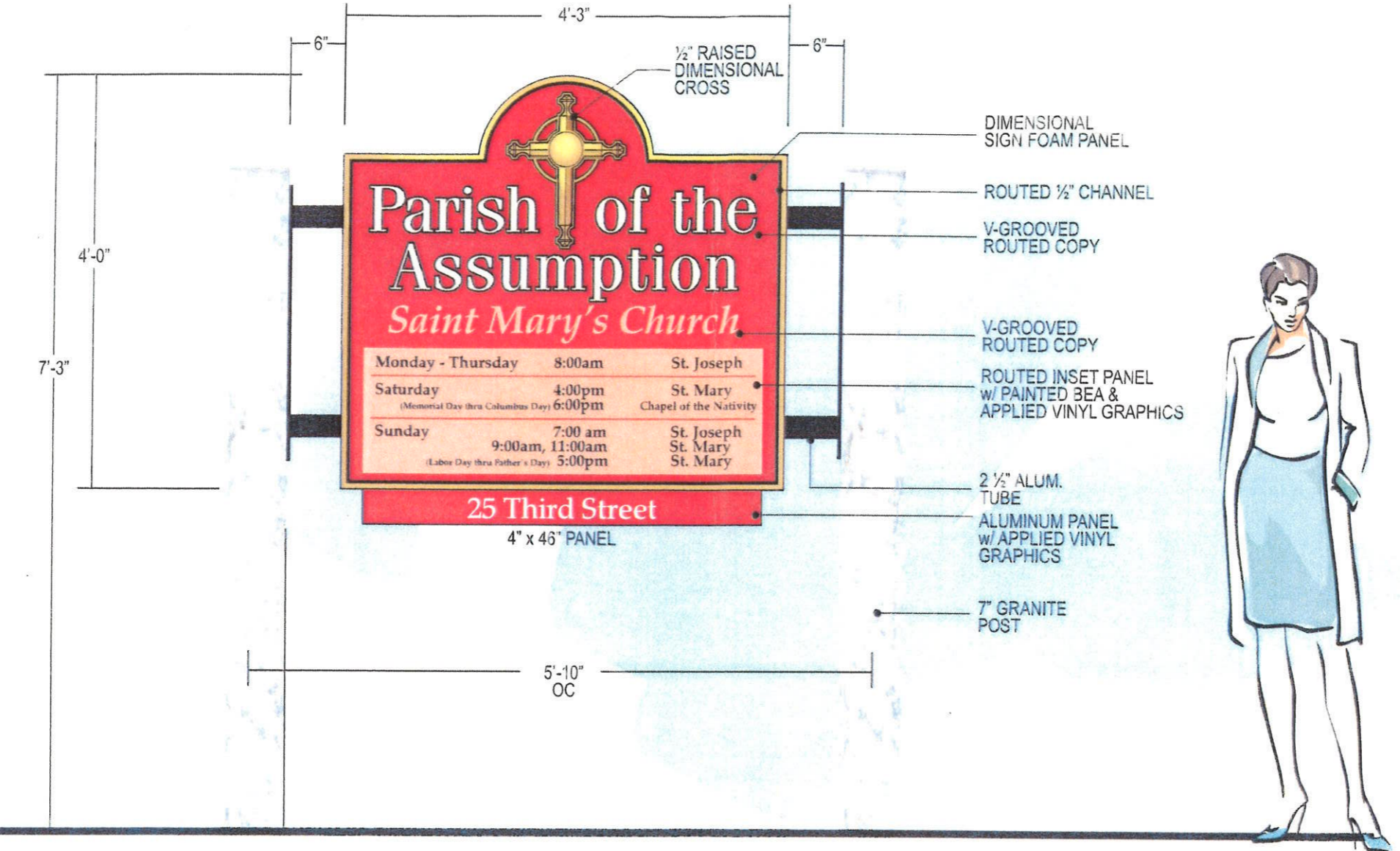
Qty: ONE Sq. Ft: 17.00 SF

S/F D/F ILL. Non-ILL

COLORS

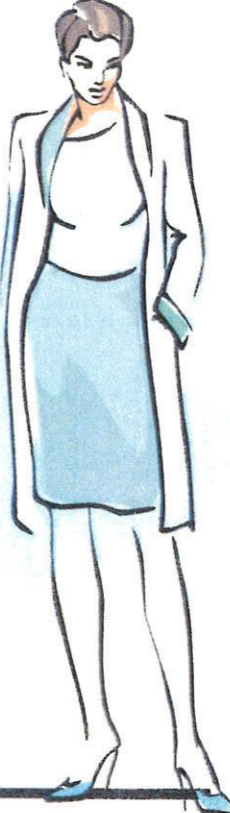
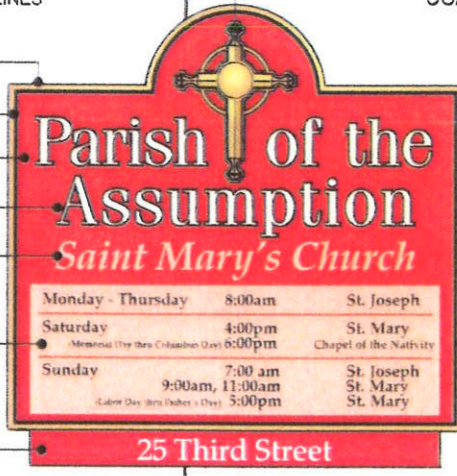
- PAINTED BARLO GOLD w/ BLACK LINES
- PAINTED BARLO GOLD BORDER & SIDE
- PAINTED BLACK IN-LINE
- PMS 186 RED FIELD
- PMS 7506 COPY w/ BLACK OIL
- PMS 487 PINK COPY
- PMS 487 PINK PANEL w/ BLACK VINYL COPY PERFECT MATCH RED 7725-263 LINES
- PMS 186 RED PANEL w/ WHITE VINYL COPY

ALL COLORS ARE FOR REPRESENTATION ONLY. SEE ACTUAL SAMPLES FOR COLOR MATCH.



ITEM A - (1) S/F NON-ILLUMINATED SIGNFOAM SIGN

SCALE: 1/4" = 1'-0"



ELECTRIC	Existing	Required
Circuits		
Amp		
Voltage		
U.L.		

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

STEEL	Existing	Required	
Size			
Length			
W. Thickness			
Stub Size			
Stub Length			
W. Thickness			
PLATE	W	L	Th
GUSSETS	W	L	Th
ANCHOR BOLTS	L	HOOK	Dia

MATERIAL OPTIONS & ESTIMATE

REVISIONS

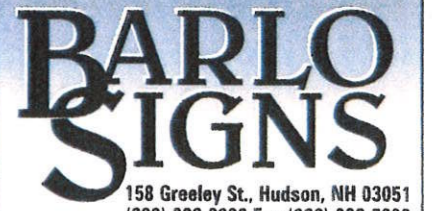
Date	Comment

TIME SUMMARY

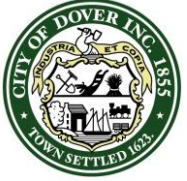
0-Art/Eng. _____	5-Neon _____
Arte/Ingenieria	Neon
1-Pat/Vin. _____	6-Finish _____
Patrones/Vinyl	Acabado
2-Lat. Fab. _____	7-Paint _____
Letras Fabricacion	Pintura
3-Screen _____	8-Install _____
Pantalla	Instalacion
4-Met. Fab. _____	9-Misc. _____
Fabricacion	Miselaneos

PROJECT APPROVAL - PRESALE		Job Name:	Parish of the Assumption - St. Mary
Design:	Date:	Location:	25 Third St., Dover, NH
Sales:	Date:	Design Specifications Accepted By:	
Design:	Date:	Client:	Drawn By: Tim
Estimating:	Date:	Landlord:	Sales Rep: MALT
Engineering:	Date:		Date: 8/21/11
Sales:	Date:		
Production:	Date:		
Installation:	Date:		

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File Name: POA St Mary 11088197 J



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z13-14)

Application Type:	Variance
Applicant:	Maribe Leah Zolli
Owner:	Maribe Leah Zolli
Location:	12 Leighton Road (Tax Map 8, Lot 22)

INTENT: The Applicant requests a variance to permit the construction of (a) a single family dwelling to be located 6 ft. from each side lot line where minimum setbacks of 20 ft. are required, and (b) an accessory structure to be located approximately 5 ft. from the rear lot line where a minimum setback of 10 ft. is required, and approximately 2 ft. from the side lot line shared with 8 Leighton Road where a minimum setback of 10 ft. is required.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-D

ZONING DISTRICT: R-20

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, supplemental narrative, letter from applicant, letter from neighbors, plot plan with dimensions, photos (1 sheet), spec sheet for proposed house, overlay with dimensions and setbacks for proposed structures, plot without dimensions

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department supports the variance request.

Summary of Request and Background

The property is a small lot (0.1 acres) located on Leighton Road and is improved with a small non-conforming house and a dilapidated accessory structure (shed/garage). The applicant proposes to replace both structures. A variance from Section 170-12.A of the Zoning Ordinance and the R-20 District Table of Use and Dimensional Requirements is required to do the following: (a) construct a new single family dwelling to be located 6 ft. from each side lot line where minimum setbacks of 20 ft. are required, and (b) construct a new accessory structure to be located approximately 5 ft. from the rear lot line where a minimum setback of 10 ft. is required, and approximately 2 ft. from the side lot line shared with 8 Leighton Road where a minimum setback of 10 ft. is required.

Reason for Staff Recommendation

Section 170-14.A. 2 of the Zoning Ordinance provides that for lots having an area of at least 5,000 square ft. and a minimum width of 50 ft, a side yard setback of 6 ft. shall apply. The lot in question comes close to meeting these criteria which would grant the 6 ft. side yard setbacks by right (the lot is approximately 4,300 sq. ft. in area and has a width of approximately 44 ft.). Staff believes the request to accommodate the house and accessory structure with reduced setbacks is a reasonable one, especially considering that the proposed house will be set back from the road such that it is no longer non-conforming with respect to the front setback, and the accessory structure will be built on the footprint of the existing accessory structure. Both structures will vastly improve the appearance of the lot and will have a positive impact on the neighborhood.

Recommendation

The Planning Department recommends the Board hold the public hearing and approve the variance as requested.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: 213-14 Date Received: JUL 31 2013
Amount Paid: \$ 268.00 Time Received:

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Maribe Leah Zolli Phone # 857-294-4295

Address of Applicant: 12 Leighton Road, Dover, NH 03820

E-Mail Address: maribeleah@yahoo.com

PROPERTY OWNER (if different from applicant):

Address: Phone #

E-Mail Address:

PROPERTY/PARCEL INFORMATION

Address: 12 Leighton Road, Dover, NH 03820

Brief Directions: off of Dover Point Road on west side of Spaulding Turnpike, at intersection of Leighton Road and Heaphy Road

Zoning District: R-20 Assessor's Map # 8 Lot(s) # 22

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:

Demolish existing single family home and detached garage and replace with new single family residence and detached accessory structure.

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:
Construction of a primary dwelling with side setbacks of 10 feet
and construction of accessory structure with side setback of 2 feet
and rear setback of 5 feet.

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:

Please see attached narrative

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

Please see attached narrative

3. Granting the variance would do substantial justice because:

Please see attached narrative

APPLICATION OF MARIBE LEAH ZOLLI
12 LEIGHTON AVENUE

APPLICANT'S NARRATIVE

I. THE PROPERTY:

The applicant, Maribe Leah Zolli, seeks to demolish the existing single family home and garage at the above property and replace them with a new single family home and a detached accessory dwelling unit.

Ms. Zolli is seeking variances from Section 170-12.A and the R-20 Table of Use and Dimensional Requirements to permit the construction of the primary dwelling with side yard setbacks of 10 feet where 20 feet is required, and to permit the construction of an accessory structure with a rear yard setback of 5 feet where 10 feet is required and a side yard setback of 2 feet where 10 is required.

Ms. Zolli recently acquired the property. The property is within the R-20 Zone.

The property is situated at the intersection of Leighton Road and Heaphy Lane. The property as it currently exists is significantly non-conforming. It is a small lot of under 4,400 square feet in area, where 20,000 square feet is the minimum lot size. The existing buildings violate current setback requirements, as the front yard setback is approximately six (6) feet, and the side yard setbacks for the dwelling are between approximately eleven (11) to fifteen (15) feet. The side yard setback for the garage is two (2) feet and the rear yard setback is five (5) feet. According to the City's tax records, the dwelling was built in 1880. It is in very poor condition and would be substandard living space even in pristine condition.

Ms. Zolli seeks to substantially upgrade the property with new, code-compliant construction. Rather than rebuild in the existing non-conforming footprint, we would seek to improve the property and the neighborhood by moving further from the right of way and intersection and into conformance with the front yard setback requirement.

II. CRITERIA:

The applicant believes the within Application meets the criteria necessary for the Board to grant the requested variance.

Granting the requested variance will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The "public interest" and "spirit and intent" requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the

The use is a reasonable use. The proposed use is similar in character and is consistent with the existing use of the adjacent and abutting properties.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The purpose of the side yard setback requirements is to promote a healthy environment in terms of light, air and open space between structures on abutting properties. The proposed principle dwelling replaces on that already encroaches on the setbacks, and only slightly increases that encroachment.

The proposed accessory structure is to be built entirely on the footprint of the existing garage. The siting of this structure is consistent with maximizing what little open space the applicant has available in her backyard.

Accordingly, the proposed use requested here would not in any way frustrate the purpose of the ordinance.

III. Conclusion.

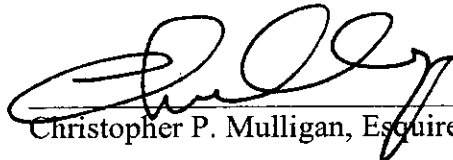
For the foregoing reasons, the applicant respectfully requests the Board grant the variance as requested and advertised.

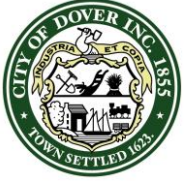
Respectfully submitted,

Dated:

7/30/13

By:


Christopher P. Mulligan, Esquire



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z13-15)

Application Type:	Variance
Applicant:	Robert Dill
Owner:	Robert and Sarah Dill
Location:	30 Cushing Street (Tax Map 10, Lot 81)

INTENT: The Applicant seeks a variance to construct a single vehicle carport to be located 1 ft. from the rear lot line and 1 ft. from the side lot line shared with 26 Cushing Street, where the minimum required rear and side yard setback is 10 ft.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-E

ZONING DISTRICT: RM-U

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SURROUNDING LAND USE:
Residential

PREVIOUS ZBA ACTION:

Case H88-42 – On an administrative appeal, the ZBA approved as the continuation of an existing non-conforming use the storage of plumbing equipment in the 5 bay garage to the rear, which at the time of the application was used to store furniture for an off-site furniture business.

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, plot plan, photo/images of proposed carport

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department does not

support the application.

Summary of Request and Background

The property is improved with a single family structure and had previously been improved with a large garage in the rear that had at one point been used for commercial purposes. The rear garage was torn down and removed from the property in 2011 (the plot plan provided by the applicant – and obtained from the City of Dover – still shows the garage). In its place, the prior owner of the property poured a concrete pad in the corner of the property to be used for a parking space. The applicant proposes to construct a carport over this concrete pad. A variance is required from Section 170-12.A of the Zoning Ordinance and the RM-U District Table of Use and Dimensional Requirements to permit the proposed carport to be located approximately 1 ft. from the rear lot line where a minimum setback of 10 ft. is required, and approximately 1 ft. from the side lot line shared with 26 Cushing Street where a minimum setback of 10 ft. is required.

Reason for Staff Recommendation

The property backs up to the Community Trail which minimizes the necessity for strict compliance with the rear yard setback. Staff would not object to a request for relief from the rear lot line requirements alone, but it is not clear why the applicant cannot construct the carport in conformance with the minimum side required setback. It is also not clear to staff what is unique or special about the property that would create an unnecessary hardship if the variance were denied. It is difficult to imagine how the concrete pad itself might be considered to be the unique feature of the property considering it was only poured within the last two years. If anything, the concrete pad would constitute a “self-created” hardship.

Recommendation

The Planning Department recommends the Board hold the public hearing and make a determination based on the merits of the application as presented by the applicant at the hearing.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: 213-15 Date Received: JUL 31 2013
Amount Paid: \$ 316.00 Time Received:
Cash

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Robert Dill Phone # 603-978-7454
Address of Applicant: 30 Cushing St. Dover, NH 03820
E-Mail Address: robdill@gmx.de
PROPERTY OWNER (if different from applicant): Robert & Sarah Dill
Address: see above Phone #
E-Mail Address:

PROPERTY/PARCEL INFORMATION

Address: 30 Cushing St. Dover, NH 03820
Brief Directions:

Zoning District: RM-U Assessor's Map # 10081 Lot(s) #

TYPE OF APPEAL: (Please check one)

- [x] Variance from Section 10-12.A 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 build a carport in the rear left corner of the property at the end of the driveway with approximate dimensions of 10' x 20' and a gable roof of a maximum height of about 10', consistent in appearance with the dwelling and on an existing concrete slab



VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 110-12. A of the Zoning Ordinance to permit:

Construction of an accessory building (carport) less than 10 ft from the rear and side property lines of above mentioned property on an existing concrete slab. This structure will be located 1 ft from the lot lines to the rear and left.

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:

The construction will not obstruct the view of any abutters nor will it be aesthetically unpleasant for the neighborhood due to its appearance which is consistent with the principal building on the same lot.

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

see above

3. Granting the variance would do substantial justice because:

Adhering to the requirements would force the owner to build said structure close to the center of his yard, due to the property being comparatively small, and at a lateral offset to his property. Furthermore the proposed location makes use of the existence of a concrete slab to be used as the foundation of the carport.

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

It does not obstruct views hinder access to surrounding lots nor will it aesthetically inconsistent with the neighborhood

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:

The lot size is relatively small the property abuts the Dover Community trail in the rear and is fenced in to a height of 6ft wide most of the construction from the rear and sides. A foundation for the structure exists and could conveniently be reused

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:

The purpose of the ordinance as it relates to setbacks is to sufficiently grant space between property lines. In the rear the property abuts the Dover Community trail and to the left there is a substantial drop in height which already significantly separates the lots and would make the proposed structure barely visible

and

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

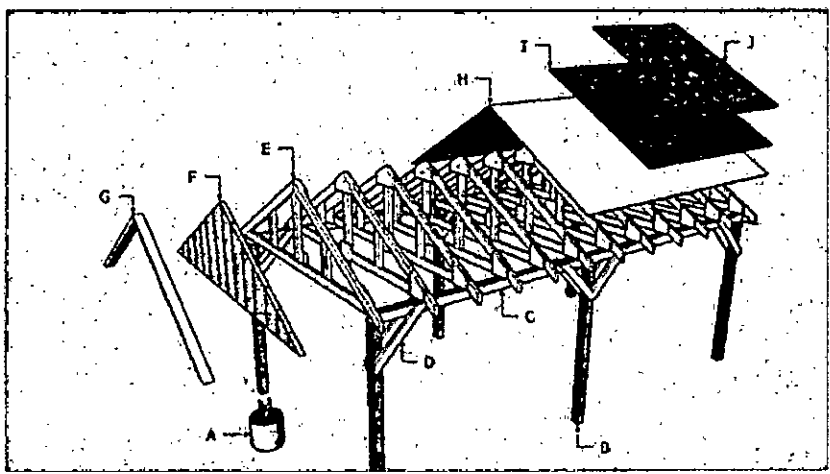
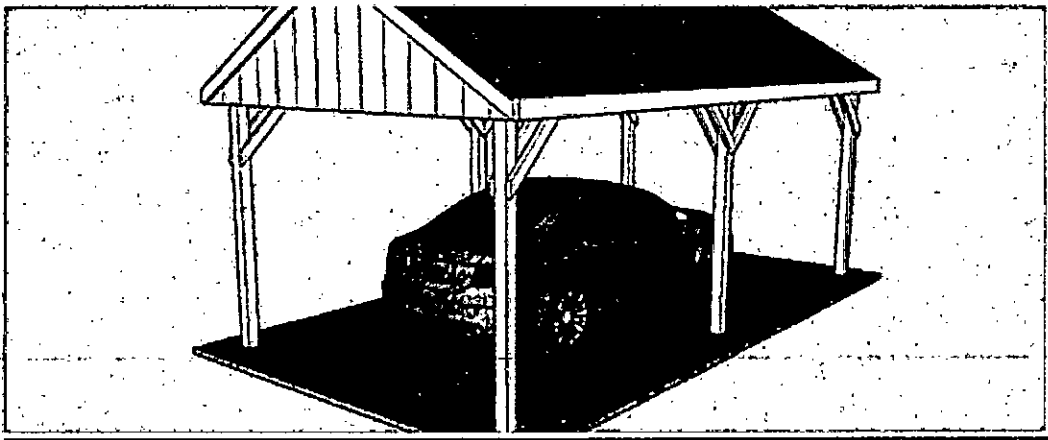
The applicant is trying to protect his vehicle from weather through the use of a roofed structure/carport

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:

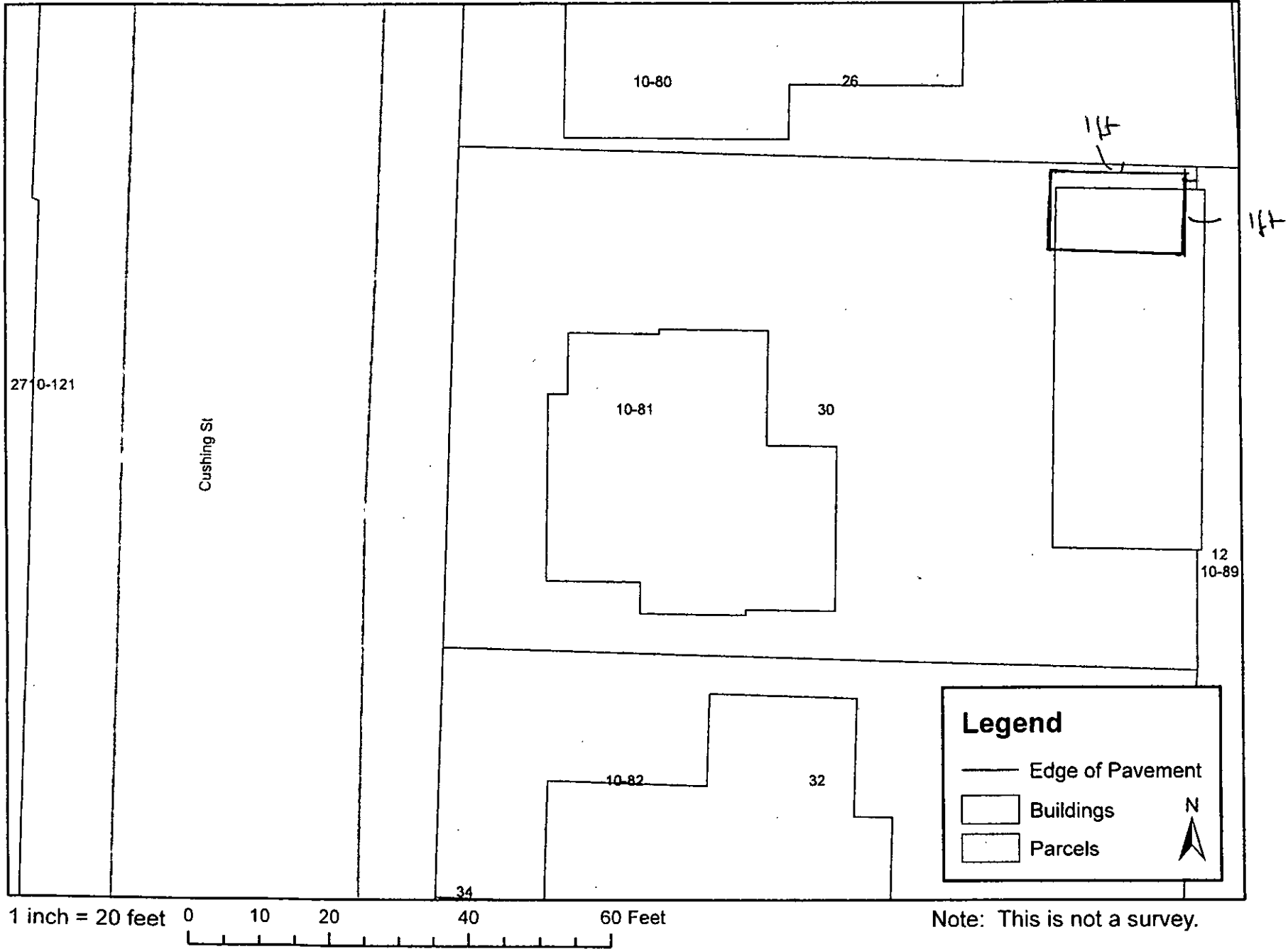


Proposed location of structure in rear left corner of lot.



Proposed design and construction of the structure

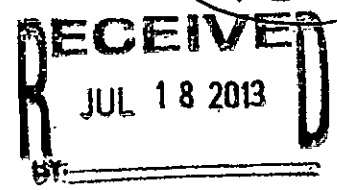
Plot Plan for 30 Cushing Street Dover, NH



Z13-09(R)
Re-Hearing Request

Rec'd via e-mail
on 7/18/13

VOCELL RESIDENCE
20 ROBERTS RD DOVER NH, 03820



July 20, 2013

City of Dover Department of Planning
288 Central Ave
Dover, NH 03820

To Whom It May Concern:

The intent of this letter is to represent a request for a rehearing of the variance request with the City of Dover Zoning Board Association, Z13-09 that took place on June 20, 2013. One of the two original requests was to allow 15 chickens and 4 ducks on a property that allows 6 chickens 2 goats and 2 sheep, I am requesting that the decision to deny the additional 9 chickens and 4 ducks be reconsidered for the following reasons:

A) The Town of Dover Planning Department recommendation:

-Provided that the applicant demonstrates compliance with the five (5) variance criteria, the Planning Department recommends the Board hold the public hearing and approve the variance request with the following conditions:

1. No more than a total of twelve (12) chickens and/or ducks (but never more than four (4) ducks may be kept on the property at any time).
2. The Applicant shall provide evidence to the Planning Department within 30 days of approval that at least 3 sq. ft. of coop is provided per animal, and that at least twenty 20 sq. ft. of a fenced enclosure yard per animal is provided, per the requirements of the R-20 District.

B) The letter that was read into the record from an abutter was not presented to the applicant prior to the meeting therefore not allowing the applicant to prepare correctly and address the concerns brought up in the letter

- ~ Leaf/compost pile
 - Has been removed as stated by applicant in the meeting, will be providing proof

~ Accumulating soil from 12 fowl

- Having had up to 20 chickens for the past 3 years lowering the flock to 12 fowl will be less soiled material accumulating

~ Having chickens and ducks on our property will potentially affect the property value of the parcel of land that abuts

- The chicken coup and run area are located on the other side of the property not abutting this property the chickens are located more then 50 feet away

- Please refer to realtor letter

C) Concerns brought up about property value

~ As stated in the attached realtor letters having 12 fowl as opposed to 6 chickens will have no effect on property value of residents property or surrounding properties

D) Support of almost all abutters in that they also benefit from our chicken eggs and support having 12 fowl and as mentioned in the Zoning Board of Adjustment- Staff Memo, Reasons for Staff Recommendation

~The applicant's narrative details the benefits of home grown eggs not only for the family that raises the chickens, but for the neighborhood and community as a whole. It is telling that the vast majority of the applicant's neighbors consume the eggs from the applicant's chickens.

E) A general confusion of paperwork not being applicable to this type of request numerous comments made of needing to change paperwork and policy thus causing more confusion on original request and the final decision being made on having 15 chickens and 4 ducks, not on the towns recommendation to approve the variance request with the restriction of 12 fowl and previous stated guidelines.

In closing I have included documentation to show improvements on previous concerns and would appreciate a rehearing to allow 12 fowl (up to but not to exceed 4 ducks) on our property and on the denial decision as described in above statements.

Thank you for your time,

Stephanie Vocell

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