



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, Dover, NH 03820
Meeting Date: **Thursday, August 15, 2013**
Meeting Time: **7:00 pm**

1. ATTENDANCE

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

The Vice 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 JULY 18, 2013 MEETING

Motion: B.Hall motioned to accept the July 18, 2013 meeting minutes. Seconded by F.Landford. Vote: 4-0. O.Perry recused himself as he was not present at the July meeting.

B.Hall will be voting.

3. HEARINGS – NEW

- 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.

Todd Corley approached the podium and stated that he is proposing to construct a covered entry way over the existing steps to the front door of the home as submitted with his application.

Public hearing open. Nobody spoke.

T. Corwin stated that the Planning Department supports the application for the reasons set forth in the staff memo.

Public hearing closed.

F.Landford and B.Hall stated that they did not have a problem with the request.

Motion: B.Hall motioned to grant the variance. Seconded by F.Landford. Vote: 5-0.

- 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.



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Mike Kazmierczac approached the podium and stated that he is the Business Manager for the Parish of the Assumption and explained the application as submitted in the file. The new sign will replace the existing sign and will be in the same location. He stated that this will be an improved appearance.

Public hearing open. Nobody Spoke. Public hearing closed.

T. Corwin stated that the Planning Department supports the application for the reasons set forth in the staff memo.

Motion: J. Kelley motioned to grant the variance. Seconded by B. Hall. Vote: 5-0.

- C. * Z 13-13 Jay Schadler and Jordan 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.

This case has been withdrawn.

- 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.

Maribe Zolli approached the podium and explained her application as submitted in the file. She stated that she has a small lot with a small house located on it and would like to tear it down, rebuild and move it further back on the lot. She added that she would like to replace a dilapidated accessory structure and build a new accessory structure for a studio on the existing slab. It will not have a kitchen located in the structure. The packet that was submitted with her application has photographs of the existing structure and plans of what she would like to build.

F. Landford asked if the house sat on a slab. He confirmed that the existing structure does not have a full basement, just a furnace room and crawl spaces.

O. Perry confirmed with the applicant that the house was built in 1880.

B. Hall said he viewed the property and it looked like it has been there a while.

Discussion ensued regarding the existing structure and the proposal.

Public hearing open.



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Barbara Albert mentioned that M.Zolli is her daughter and is also a direct abutter. She stated that she is in favor of the request.

T.Corwin stated that the Planning Department supports the application for the reasons set forth in the staff memo.

T.Corwin added that now that he has heard the testimony, he would like to suggest two conditions of approval. The first condition would be that the structure shall be a single-story structure in height only. The second condition would be the accessory structure is a certain minimum distance from the primary structures and the minimum distance is determined on the basis of the height of the rear wall of the accessory structure.

O.Perry stated that given the location and the site distance of Heaphy Lane, moving away from that intersection is to everybody's benefit. If it is an issue we could grant them a variance if that circumstance exists.

T.Corwin stated it wasn't noticed for that request. He stated that he didn't know if meeting the minimum distance requirement was going to be a problem. If it is a problem, we would have to address it at that time.

B.Hall thanked the applicant for all the information that was submitted. It helped with the request.

Public hearing closed.

Motion: J.Kelley made the motion to grant the variance with the condition that the accessory structure be a single-story structure in height only. No second on the motion.

Discussion ensued regarding the accessory structure.

Motion: B.Hall made the motion to grant the variance with the conditions that the accessory structure be a single story structure and that it not contain a kitchen or be a separate residence. C.Prior Seconded. He added that if the details provided in this plot plan are accurate, than by being a single story it doesn't appear that it will present an issue. Vote: 5-0.

- 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.

Robert Dill approached the podium and stated that he bought the property and would like to build a carport, so he wouldn't have to shovel the snow off his car, come winter time. He stated that he already has an existing slab that he could use and due to the placement of the carport, you would not see the structure. He added that he would have to reroute his driveway if this request is not approved.



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C.Prior mentioned that he drove by the property and asked if the applicant owns the fence and questioned the slab shown on the plan. It appears that there is a larger slab.

R.Dill stated that he does own the fence and the slab is approximately the same size that the carport would be. He added that the property used to have a five bay garage and was removed in 2006.

J.Kelley asked the applicant if the slab was inspected and if he knew what condition it is in.

R.Dill stated that it looked good and would work fine for the carport.

F.Landford questioned how the applicant intends on constructing the carport and if it would be directly on the slab.

R.Dill stated that he would be using anchors and not going any larger than the existing slab.

B.Hall added that he did notice that the community trail is located behind his property. He stated that it looks like you would have all kinds of room on the property to do what you are asking. He asked the applicant why he couldn't be compliant.

R.Dill stated that the hardship is that he would have to reroute the driveway and build a new foundation.

Public hearing open. Nobody spoke.

T.Corwin stated that the rear garage was torn down and removed from the property in 2011. The prior owner of the property poured a concrete pad in the corner of his property to be used as a parking space.

Discussion ensued regarding the slab and the ordinance for setbacks for outbuildings/accessory use. It should meet the 10 ft. setback.

Public hearing closed.

T.Corwin stated that the Planning Department does not support the request and recommends the Board make a determination based on the merits of the application as presented.

Motion : J.Kelley made the motion to grant the variance. Seconded by F.Landford. Discussion on the motion.

C.Prior stated that the applicant has enough room on the lot to be conforming.

B.Hall stated that the rear setback is not an issue. The structure should be conforming on the side setback.

F.Landford added that he has the right to put a portable structure on the slab.

O.Perry mentioned that he does not like to add a structure like this when he could do it in a different manner. It could be conforming.

Motion failed 4 to 1 (*F.Landford, B.Hall, O.Perry, C.Prior opposed*)



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Motion: B.Hall made the motion to grant the variance to the rear setback requirement, but not for the side setback requirement. Seconded by C.Prior. Vote: 4 to 1 (*F.Landford opposed*)

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

T.Corwin stated that this is just a discussion item and not a public hearing to grant the rehearing or not.

Discussion ensued regarding the presentation.

C.Prior stated that typically you grant a rehearing request because it gives you the opportunity to clean up any possible errors in the decision.

Discussion continued regarding the applicant's letter submitted in the file.

T.Corwin stated that the applicant has addressed some of the concerns regarding a letter that was sent to the board by an abutter. She felt it was unfair that

Discussion continued regarding the rehearing request and the ordinance regarding the number of chickens.

B.Hall stated that he felt that all items have been reviewed and felt that it was judged fairly.

Motion: B.Hall made the motion to deny the rehearing request. Seconded by J.Kelley. Vote: 3 to 2 (*O.Perry and C.Prior opposed*)

5. ADJOURN

Motion: F.Landford made the motion to adjourn. Seconded by C.Prior. Vote: 5-0