



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers, City Hall, Dover, NH 03820  
Meeting Date: **Thursday, September 19, 2013**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

**Members Present:** Otis Perry (Vice Chair), Chris Prior, Bob Hall (Alternate), Jennifer Stone (Alternate)  
**Members Not Present:** Sam Reid (Chair), Josh Cote (Alternate), Frank Landford, James Kelley  
**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 and stated that the four members will be voting. They have the option to proceed or wait for a full Board to hear the case.

### 2. APPROVAL OF PRIOR MINUTES OF THE AUGUST 15, 2013 MEETING

O.Perry stated that he asked for corrections on the minutes regarding case Z13-15. He explained that the word "confirmed" was used in several places and asked that it be changed as a discussion with the applicant and the members and the first motion wasn't clear with a second or a vote. A revised set of minutes were submitted with the corrections. He asked if they would like to vote to approve with the amendments.

**Motion:** C.Prior made the motion to approve the minutes. Nobody seconded. Discussion on the motion. B.Hall stated that on the rehearing case Z13-09 page 5, as part of the rehearing discussion he stated that he had indicated that all items have been reviewed and felt that they have judged fairly. B.Hall seconded to approve the minutes with the amendments mentioned. Vote: U/A (*J.Stone abstained*)

O.Perry described the process used to hear the cases.

### 3. HEARINGS – NEW

- A. \* Z 13-16 Gregory S. Krise (Property Owner: Robert R. Romano & Wayne Ewald), 92 Long Hill Road (Tax Map A, Lot 53G-1), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Requirements to permit the construction of a single family dwelling located at a distance further than 25 ft. from the front lot line where principal buildings are required to be located no closer than 5 ft. and no greater than 25 ft. from the front lot line.

Gregory Krise explained that the lot has a very narrow entrance and it has approximately 100 ft. of frontage and it narrows to approximately 70 ft. wide and then expands out to 200 ft. wide. The narrow portion of the property has wetlands and it already has an approved driveway to get to the back part of the lot, where the buildable part is located. The home in that location will meet all setback requirements.

B.Hall mentioned that he did drive by and looked at the lot. He asked for clarification on the two plot plans provided as they appear different. One plan shows the proposed house and garage and it appears they are located near the existing garage foundation and the other plan has the house on the hill.

G.Krise explained that it is the subdivision plan that shows the house at the back part of the property. He added that this property received a permit in 1996 for a 24 x 28 foundation permit for a garage.

C.Prior confirmed with the applicant that the septic system and well are already installed on the property.



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*Public hearing open.*

Gary Gagnon, 86 Longhill Road stated that he is the abutter on both sides of this property and is in favor of the request. This is a better plan than what was submitted in 1996.

T.Corwin stated that the Planning Department supports the application for the reasons set forth in the staff memo, but suggests a proposed condition that the variance be subject to the submitted subdivision plan, which will be marked as Exhibit A, where the proposed house is located.

B.Hall asked T.Corwin why this district has to be 25 ft. from the front lot line.

T.Corwin explained that it is a medium density district and the idea is to encourage a more traditional neighborhood feel to bring houses up to the front of the street and have larger back yards. On this particular property it doesn't make sense and that is why they are asking for a variance.

*Public hearing closed.*

**Motion:** B.Hall made the motion to grant the variance with the condition that the house be located in accordance with Exhibit A. Seconded by J.Stone. Vote: 4-0.

- B. \* Z 13-17 Laura I. Cursack, Trustee (Property Owner: Laura I Cursack Revocable Trust), 41 Spruce Lane (Tax Map I, Lot 27B), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-14(A)(1)** of the Zoning Ordinance to permit the construction of an attached garage to be located 6 ft. from the side lot line shared with 39 Spruce Lane, where a minimum side yard of 10 ft. is required.

Laura Cursack explained her application. She stated that she would like to construct an attached garage and located on the same side of the house with the existing driveway. It would be located 6 ft. from the side lot line shared with 39 Spruce Lane. There is a substantial drop that would not allow the garage to be located to the rear of the house.

O.Perry mentioned that the picture shows a bow window. He asked if it was once a garage.

L.Cursack stated that she just moved in and it may have been, but wasn't sure.

T.Corwin noted that it appears that a number of the houses had converted garages similar to this property.

O.Perry asked T.Corwin how much space between the lot line and the house at 39 Spruce Lane.

T.Corwin stated that it appears to be 12 ft. based on the mapping system.

L.Cursack added that she measured and it was approximately 10 ft. to her neighbor's home. She mentioned that properties are more valuable with a garage and it would be consistent with the properties in the neighborhood.



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*Public hearing open. Nobody spoke.*

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

J.Stone asked if there were any fire issues as far as building codes with this being located so close together.

T.Corwin explained that if the applicant's property had less than the required frontage it would be entitled to a 6 ft. setback. It would be consistent with previous concerns for life safety issues. Accessory structures have a rule that detached accessory structures would have to be the minimum distance, which is based on the height of the rear wall of the accessory structure.

*Public hearing closed.*

**Motion:** J.Stone made the motion to grant the variance. Seconded by B.Hall. Vote: 4-0.

B.Hall mentioned that he attended the law lecture series and if interested he has electronic handouts that he can send. He stated that at one of the lectures he was given new information that the ZBA is the appeals route if there is a disagreement with Building or Fire Inspectors. He added that there are still a number of sessions that are left to attend. He suggested to T.Corwin that he hold a session to discuss the latest legal developments.

T.Corwin stated that it is a good idea and would coordinate with B.Hall.

#### 4. ADJOURN

**Motion:** C.Prior made the motion to adjourn. Seconded by B.Hall. Vote: 4-0