

**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT AGENDA

Meeting Type: Regular Meeting  
Meeting Location: McConnell Center, Room 306, Dover NH 03820  
Meeting Date: **Thursday, July 17, 2014**  
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF JUNE 19, 2014

3. HEARING

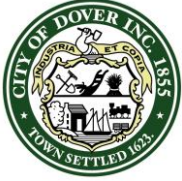
- A. \* Z 14-17 Calvin & Marta Cole (Property Owner: Cole Family Revocable Trust), 36 Hillcrest Drive (Tax Map 35, Lot 56-L), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Requirements to permit the construction of a bulkhead within 17 feet of the front lot line where a minimum setback of 25 feet is required.

4. REVIEW OF ZONING BOARD OF ADJUSTMENT RULES OF PROCEDURE

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](http://www.dover.nh.gov). A map showing project locations can be found at <http://www.dover.nh.gov/government/city-operations/planning/index>. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers, 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Thursday, June 19, 2014**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

**Members Present:** Sam Reid (Chair), Otis Perry (Vice Chair), Frank Landford, Chris Prior, Jennifer Stone, Bob Hall (Alternate), George Reagan (Alternate)

**Members Not Present:** Joshua Cote (Alternate)

**Staff Present:** Timothy Corwin (Assistant City Planner), Diane Britt (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 REGULAR MEETING MINUTES OF MAY 15, 2014

**Motion:** J.Stone made a motion to accept the May 15, 2014 meeting minutes. Seconded by F.Landford. Vote: U/A

The Chair announced that the applicant for item D (Z14-11) has withdrawn his request.

### 3. HEARINGS

- A. Z 14-16 City of Dover (Property Owner: Cochecho Mills Holdings, LLC), 33 Chestnut Street (Tax Map 31, Lot 4B), located in the Central Business District (CBD) – Transit Oriented Development (TOD) sub-district, requests a variance from **Section 170-32.A** of the Zoning Ordinance and the CBD-TOD District Table of Use and Dimensional Requirements to permit the construction of a 144” tall by 120” wide freestanding sign where freestanding signs are not permitted in the CBD-TOD.**

#### *Public Hearing Opened*

Christopher Parker, Director of Planning and Community Development, spoke on behalf of the applicant and owner of the property. He explained that the building is situated 300 ft. back from the road. The sign will have transportation information for the City of Dover. If in the future the lot is not used for transportation purposes, then the sign would be removed. The Dover Main Street organization is donating the sign which will match the color scheme and architectural feel of the transportation center and there will be landscaping around the sign. There will be ground-mounted flood lighting on the sign which will be turned off when the Transportation Center is closed.

Stephen Piper, 27 Highland Street, stated he sits on the Board of Dover Main Street and also was the contract administrator when the station was built. He feels that a sign has been missing at the Transportation Center since 2001 and this sign would complete the project. The sign will contain the address which is important for 911 and for people using GPS. He stated he felt the sign was needed and was important to the community and to the Transportation Center.

#### **STAFF RECOMMENDATION**

T.Corwin stated C.Parker covered the points contained in the Staff Memo.

Discussion ensued regarding a condition that the sign would only be used for transportation information.



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### *Public Hearing Closed*

**Motion:** O.Perry made a motion to grant the variance with the conditions that the sign shall not flash, have changeable text, nor be internally lit. Additionally, the sign shall be limited to display transportation, parking and ancillary uses of the Transportation Center. Seconded by C.Prior. Vote: U/A

- B.** Z 14-14 Jordan & Shannon Plante (Property Owners: Jordan & Shannon Plante), 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 on the existing foundation located approximately 237 ft. from Long Hill Road, where principal buildings are required to be located between 5 ft. and 25 ft. from the front lot line.

### *Public Hearing Opened*

Atty. F.X. Bruton represented the applicants. This is a request for a variance to build a single family dwelling as close to the road as possible, utilizing an existing foundation, septic system and well. The foundation was inspected and found to be sound. Atty. Bruton explained that this is a unique lot with wetlands and a wetland buffer. He stated that the neighbors are supportive.

### **STAFF RECOMMENDATION**

T.Corwin stated the Planning Department recommends the Board approve the variance as requested for the reasons stated in the Staff Memo.

### *Public Hearing Closed*

**Motion:** O.Perry made a motion to grant the variance. Seconded by J.Stone. Vote: U/A

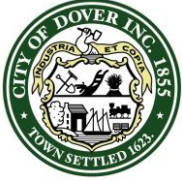
- C.** Z 14-15 Jordan & Shannon Plante (Property Owners: Jordan & Shannon Plante), 92 Long Hill Road (Tax Map A, Lot 53G-1), located in the Medium Density Residential (R-12) District, appeals the determination of the Zoning Administrator that a variance is required to construct a single family home on the existing foundation located on the subject property

Discussion ensued regarding whether this item should be tabled or deferred.

**Motion:** O.Perry made a motion to table this item. Seconded by F.Landford. Vote: U/A

- C.** \* Z 14-11 John L. Eaton Jr. (Property Owners: John & Patricia Eaton), 73 A Old Rochester Road (Tax Map A, Lot 3-1), 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 home to be located 50 ft. from the front lot line where the house is required to be located 30 ft. from the front lot line, which is the build to line equal to the average setback for all properties within the R-12 District within 500 ft. of the subject property.

This case was withdrawn.



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- D.** \* Z 14-12 Tom Schlosser (Property Owner: Gerald Smith), 1 Arbor Drive (Tax Map I, Lot 74R), 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 an addition to be located 23 ft. from the rear lot line where a minimum setback of 30 ft. from the rear lot line is required.

*F.Landford recused himself. S.Reid asked B.Hall to sit in on this case.*

### *Public Hearing Opened*

Tom Schlosser, of Thomas Price Builders, represented the applicant. He stated the proposal is to build an addition, 16 ft. x 20 ft., off the rear of the existing single story ranch home. The addition will be located approximately 23 ft. from the rear lot line. The required rear setback in the R-12 District is 30 ft. and, therefore, a variance is being requested. He stated any addition built on this structure would automatically be skewed due to the position of the building on the lot. The proposed addition will be off the kitchen at the rear of the house and will be a dining area. This addition creates needed square footage. T.Schlosser submitted two letters in support of the variance to the Board from the most impacted abutters, Mr. and Mrs. Joseph Noone of 13 Meridian Drive, and Mr. and Mrs. Scott Fahey of 3 Arbor Drive.

Discussion ensued regarding the dimensions of the proposed addition and deck, and it was determined that the scale was off on the drawings, but the closest point to the rear property line is 23 ft.

Frank Landford, 3 Monroe Street, spoke in favor of granting the variance, stating that this addition will give the owners needed square footage.

### **STAFF RECOMMENDATION**

T.Corwin stated the Planning Department supports the granting of the variance with the only condition being that the addition be constructed in accordance with the plans and materials submitted.

The Chair read the letters of support for the record that were submitted to the Board.

### *Public Hearing Closed*

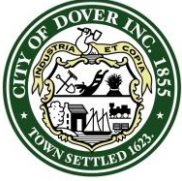
**Motion:** O.Perry made a motion to grant the variance with the condition that the addition and the deck be constructed with the dimensions and the location as shown on the request.

Discussion ensued regarding the drawings submitted and the dimensions on them and the encroachment into the rear setback.

The motion failed for lack of a second.

**Motion:** B.Hall made a motion to grant the variance with the condition that the structure meets the dimensions as shown and the distance to the rear lot line not to be less than 23 ft. Seconded by C.Prior.

- E.** Z 14-13 Adam Fogg (Property Owners: Jade & Sheryl Fogg and Adam Fogg), 25 Nute Road (Tax Map L, Lot 13), located in the Low Density Residential (R-20) District, requests a variance from Section 170-12.A of the



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Zoning Ordinance and the R-20 District Table of Use and Dimensional Requirements to permit the construction of a single family home to be located 4 ft. from the side lot line shared with 23 Nute Road where a minimum setback of 20 ft. from the side lot line is required.

### *Public Hearing Opened*

Atty. Scott Hogan represented the applicant. He explained that the proposal is to remove the existing structure on the property and replace it with a modern residential structure to provide a family home where extended family could also live. The existing stand-alone garage would also be removed. The family has owned the property since the late 1920s. The structure which exists on the property now has a side setback of 1.2 ft. The proposed structure would have a 4.2 ft. side setback, so the nonconformity is decreased. The intent is to keep the structure as far away from the shoreline as possible. Atty. Hogan read a letter of support from the most immediate abutter at 23 Nute Road and submitted it to the Board. The new structure will use municipal utilities.

There was discussion about the steps that the applicant will be required to take regarding obtaining a Conditional Use Permit and going before the Conservation Commission, the size of the house and location of the garage under the house. A rendering of the house was given to Board members to look at.

### **STAFF RECOMMENDATION**

T. Corwin stated the Planning Department takes no position on the application as stated in the Staff Memo.

There was discussion about the footprint of the house forcing the house to be located where it is and that the house does not have to be the size that is being proposed.

### *Public Hearing Closed*

**Motion:** C. Prior made a motion to grant the variance with the condition that the house is to be located no closer than 4 ft. to the side lot line. Seconded by O. Perry. Vote: 4/1 (J. Stone opposed)

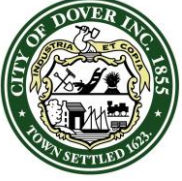
## **4. REVIEW OF ZONING BOARD OF ADJUSTMENT RULES OF PROCEDURE**

T. Corwin explained that the first document in the Board member's packets is the present operating rules and the red lines represent edits suggested by O. Perry, B. Hall, S. Reid, T. Corwin and the Legal. The second document is the model rules of procedure from the OEP Handbook and the highlighted text is what is not otherwise contained in the existing operating rules.

S. Reid stated he would prefer to have more time to read over the documents. He suggested a change to Article 4 so that it states the Chair and Vice Chair shall be elected at the first regular meeting of each year. He suggested Article 4E state that all officers shall serve until their successors are voted in as officers.

There was discussion regarding the deadline for applications and notices being sent out by certified mail either seven or ten days before the hearing date, and sending notices possibly by both certified mail and by regular mail. The Board decided they want to have the notices sent ten days before the hearing date.

## **5. ADJOURN**



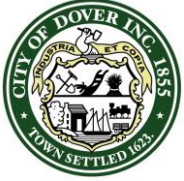
**CITY OF DOVER**

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**Motion:** O.Perry made the motion to adjourn at 8:42 p.m. Seconded by B.Hall. Vote: U/A

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**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z14-17)

Application Type: Variance  
Applicants: Calvin & Marta Cole  
Owner: Cole Family Revocable Trust  
Location: 36 Hillcrest Drive (Tax Map 35, Lot 56-L)

**INTENT:** The property is a corner lot and is currently improved with a single family home. The applicant desires to install a bulkhead in the front yard of the property in connection with a planned access to the basement. A variance is required to permit the bulkhead to extend approximately seven (7) feet into the minimum required twenty-five (25) foot front setback.

**UNITS PROPOSED:** N/A

**AGENDA ITEM #:** 3-A

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential

**PREVIOUS ZBA ACTION:** None

**PLANNING BOARD APPROVAL  
REQUIRED:** No

**ATTACHMENTS:** Application, 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 subject property is a corner lot improved with a single family residence. The basement to the home is currently accessible by an interior access only. The applicant desires to install an outdoor access to the basement on the west side of the property, which abuts Hillside Drive. To cover the outdoor access, applicant proposes to install a 72 inch long bulkhead. Because this side of the house abuts a public right-of-way, a front setback of twenty-five (25) feet applies. Based on the City's tax maps, the house is currently located approximately twenty-five (25) feet from the front lot line at issue. Therefore, the applicant requests a variance to permit the bulkhead to extend approximately seven (7) feet into the minimum required twenty-five (25) foot front setback.

### Reason for Staff Recommendation

The applicant met with staff on several occasions to discuss his plans for a bulkhead and worked to find an alternative location that would not require a variance. However, he was unable to do so for the reasons set forth in his application narrative. Specifically, the applicant rightly points out that placement of the bulkhead to the rear of the house would also require a variance (from the rear setback requirement). On the other side of the house, the applicant indicates that the necessary work to install the bulkhead would require access over the neighbor's property plus the removal of several trees.

It is staff's view that in light of these site constraints, the location of the bulkhead on the side of the home abutting Hillside Drive is the most logical. Moreover, it is difficult to imagine any negative impact the placement of the bulkhead in the proposed location will have on any of the abutters or the neighborhood, and any such impacts would seem to be outweighed by the safety improvements that will result from the addition of an outside access to the basement.

### Recommendation

The Planning Department supports the variance request.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: 214-17 Date Received:
Amount Paid: \$ 300.00 Time Received:
Cr # 552



APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Calvin + Martha Cole Phone # 603-664-2963
Address of Applicant: 143 Deer Ridge Drive Barrington N.H. 03825
E-Mail Address: calvinc@metrocast.net

PROPERTY OWNER (if different from applicant):
Address: Phone #
E-Mail Address:

PROPERTY/PARCEL INFORMATION

Address: 36 Hillcrest Drive
Brief Directions: between Horne + Sixth streets
Zoning District: R12 Assessor's Map # 35 Lot(s) # 56L

TYPE OF APPEAL: (Please check one)

- X Variance from Section 170-12-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:

we would like to install a Bilco bulkhead door to the basement. This would be on the west end of the house facing Hillside Drive.

## 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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Calvin B. Cole Marta Cole

Signature of Applicant\*

Calvin B. Cole Marta Cole

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: Calvin B. Cole Marta Cole Date: 7/1/14

# 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:

Installation of a BILCO bulkhead entry to basement.  
This will be on the west end of home. It is abutting  
Hillcrest Drive, as it is a corner lot.

### 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:

There will be minimal visual and physical impact. The  
entry way will extend approximately 74" from the  
foundation wall and be about 24" high by 59" wide.  
The bulkhead will be painted a dark green in order to  
blend in with existing shrubs and to be planted shrubs.

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

It will allow access to the basement from the outside.  
At present the only access is through the kitchen.  
we are planning upgrades to the heating and hot water  
systems which will require the removal of existing  
1960s boiler and water heater. Having outside access  
will enable plumbers to have easy access.

3. Granting the variance would do substantial justice because:

It will correct a design flaw in the original design  
of the home. Outside access to the basement is a  
desireable feature.

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

*There will be minimal visual and physical impact. A bulkhead basement entry is common in most neighborhoods and is an accepted feature of homes*

**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:

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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:

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**and**

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

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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:

*The lot is one of the smaller lots in the neighborhood at 12,063 sq. ft. The house is a large ranch covering most of the setback requirements. Due to framing conditions of the house and limited access to other sides of the house, the west end of the house is the only viable place to site the bulkhead.*



To whom it may concern:

We would like to put in an outside entrance to the basement of our property at 36 Hillcrest Drive. It will be a standard BILCO bulkhead door leading down to the basement. It will extend approximately 74 inches from the wall of the house. As the home is a ranch style house, it takes up most of the set back area allowed in a R12 zone. The logical place to install the entry is the west end side of the house facing Hillcrest Drive. This is a corner lot and Hillcrest Drive abuts the front of the house and the side in question.

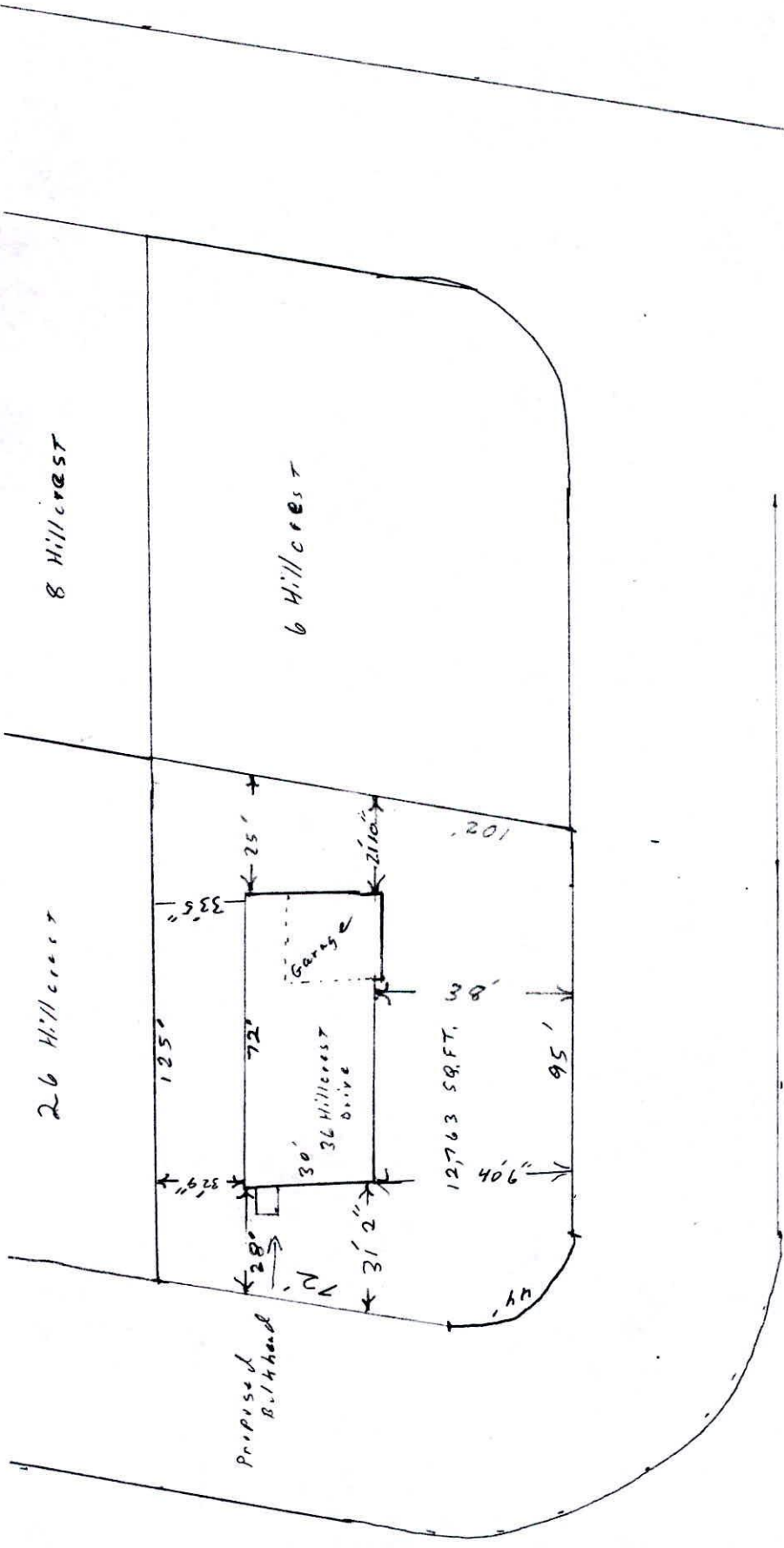
Trees obstruct the access of excavating and concrete equipment to the rear of the house, plus required support of the load bearing wall at the basement opening precludes placing the entry at the rear. Also a variance would be needed for the rear because it wouldn't meet the 30 foot set back.

The east side of the house meets the 15 foot set back requirement but because the property is on the side of a hill there is a steep roll off of the land and access of excavating and concrete equipment would require crossing the neighbor's property which isn't feasible. Also, there are trees in the way.

Considering all of the issues, placing the bulkhead where we are proposing seems to be the most practicable. We will landscape the adjacent area of the bulkhead to minimize the visual impact.

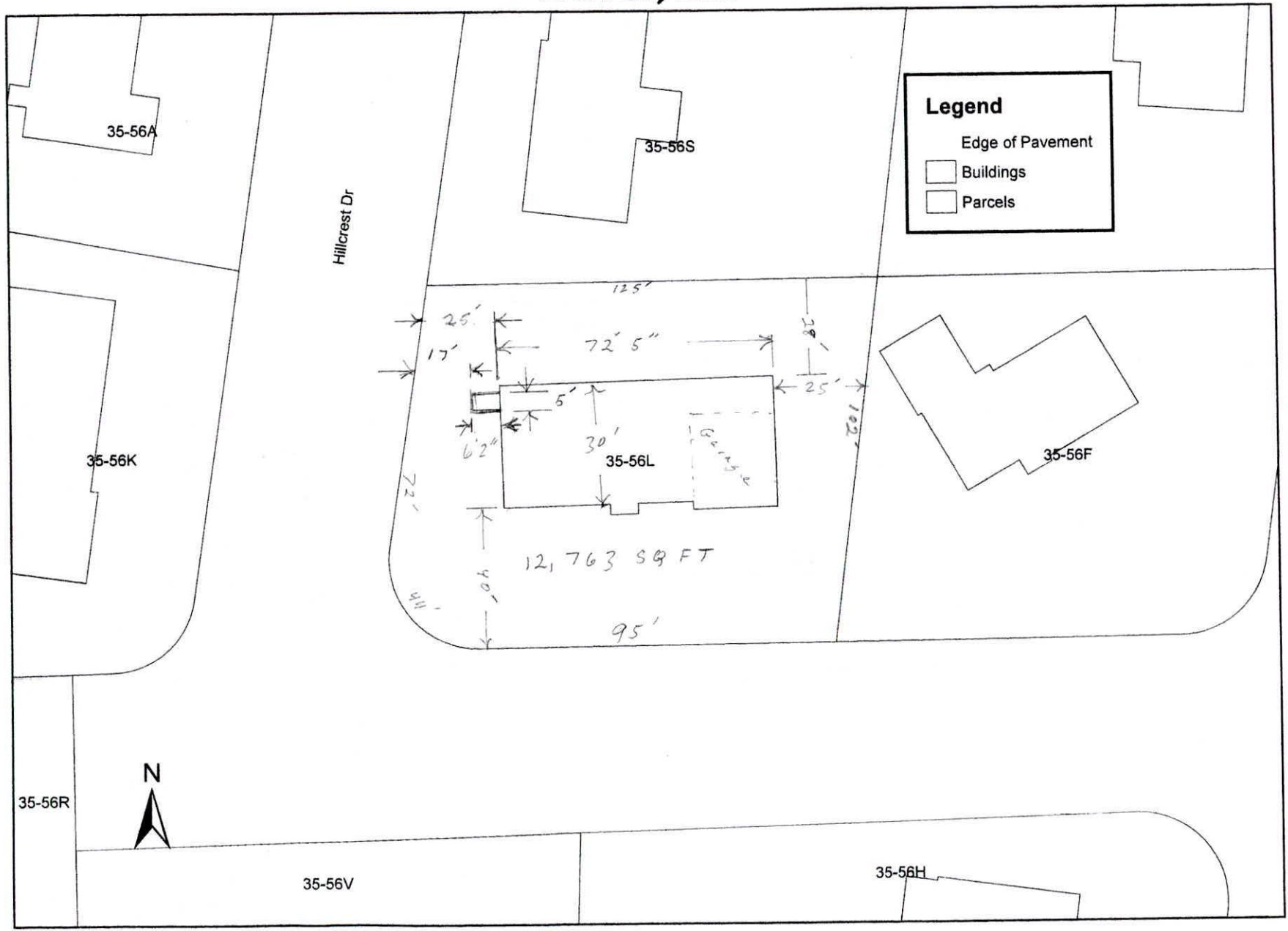
Thank you,

Calvin & Marta Cole



1" = 40'

# 36 Hillcrest Drive Dover, NH



12,763 SQ FT

**Legend**

- Edge of Pavement
- Buildings
- Parcels



1 inch = 40 feet

0 20 40 80 Feet

Note: This is not a survey.

*Calvin Cole*