

**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, April 16, 2015**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

**Members Present:** Otis Perry (Vice-Chair), Frank Landford, Bob Hall

**Members Not Present:** Sam Reid (Chair), Chris Prior, George Reagan (Alternate)

**Staff Present:** Timothy Corwin (Assistant City Planner), Tracy Smith (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.

O.Perry stated the applicants would need to receive approval from all three Board members to have their application approved. He gave them the option to wait for the next meeting. The applicants chose to proceed with their applications.

### 2. APPROVAL OF MEETING MINUTES OF MARCH 19, 2015

**Motion:** R.Hall motioned to table the March 19, 2015 Regular Meeting Minutes. Seconded by F.Landford. Vote U/A

### 3. HEARINGS

- A. Z 15-08 Kevin G. Bernier, 13 Rogers Street (Tax Map 24, Lot 125), located in the Urban Density Multi Residential (RM-U) District, requests a variance from **Sections 170-14.A(1)** and **170-12.B** of the Zoning Ordinance and the RM-U District Table of Use and Dimensional Regulations to allow the construction of an attached one-car garage located six (6) ft. from the side lot line shared with 17 Rogers Street, where a minimum side setback of ten (10) ft. is required per Section 170-14.A(1).

Theron Alex, Kevin Bernier's son of 505 Kearsage Way, Portsmouth, NH, represented the applicant stating he wants to add an attached one car garage to the property. The garage would have a new roof line to blend in with the house and a breezeway to the house with a small deck.

*Public Hearing Opened*

#### **STAFF RECOMMENDATION:**

T.Corwin stated that the Planning Department supports the request as set forth in the staff memo.

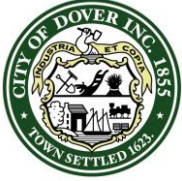
*Public Hearing Closed*

**Motion:** B.Hall made a motion to grant the variance. Seconded by F.Landford. Vote U/A

B.Hall stated he viewed the property and felt it would conform to the rest of the neighborhood. O.Perry agreed with B.Hall stating the side lot line is abutted by another garage.

- B. Z 15-09 John Noble (Property Owner: Rita A. Hibscheiler), 24 Whittier Street (Tax Map 35, Lot 72-A), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-12.B** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Regulations to permit the construction of an attached garage to be located six (6) ft. from the rear lot line shared with 4 Dowaliby Court, where a minimum rear setback of thirty (30) ft. is required.

John Noble of 74 Oak Street, Rochester, NH represented the property owner, Rita Hibscheiler. He stated the plan is to construct a new 18 ft. x 24 ft. garage to replace the existing garage which is located 6 ft. from the property line, but they



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cannot meet the 30 ft. setback. He further stated the new garage will be attached to the existing house with an 8 ft. x 10 ft. addition with two entry doors, adding the addition will be a modest increase in size of the existing garage and will not affect the appearance or structure. He stated changing the address was recommended rather than submitting the variance; however, the applicant did not want to change the address because it's like moving without the move, in the respect that R.Hibschweiler would have to change all her paperwork and records. He added the Planning Department gave life safety as the reason to change the address, and he assumed this was for emergency personnel, adding that he believes emergency personnel would be able to locate the address in the event of an emergency due to the location being a corner lot.

F.Landford confirmed with J.Noble the new garage will be the same as the existing garage in distance from the property line.

*Public Hearing Opened*

### **STAFF RECOMMENDATION:**

T.Corwin stated that the Planning Department does not take a position on the request as set forth in the staff memo. He added the variance process should be available as a last resort

Discussion ensued regarding confusion with the dimensions shown on the plans and how the applicant calculated his measurements. J.Noble agreed that the scale is off on the plans. R.Hibschweiler stated the new garage is in the exact location as the existing garage.

B.Hall stated if the new garage is to be placed in the same location as the existing garage from the rear lot line, than the measurement is not an issue. Discussion ensued regarding requiring a foundation certification as part of the condition of approval.

Discussion ensued regarding the regulations as defined for a corner lot. O.Perry stated there is an existing non-conforming situation in this house, and once the garage is torn down the applicant would need a variance to rebuild it.

Public hearing closed

**Motion:** F.Landford made a motion to approve the variance with the condition that the new structure be exactly the same distance from the property line as the existing structure and a foundation certification will be provided. Seconded by B.Hall. Vote U/A

O.Perry stated the Zoning Ordinance creates the hardship for the applicant in this situation. He added he does not agree with requiring the applicant to change the street address.

### **4. ZBA RULES OF PROCEDURE – CITY COUNCIL EDITS**

The Board agreed to discuss the Rules of Procedure at the next meeting.

T.Corwin announced that May 7, 2015 will be his last day with the Planning Department. He has accepted a position as City Planner for the City of Lebanon.

### **5. ADJOURN**

**Motion:** B.Hall made a motion to adjourn at 7:31 p.m. Seconded by F.Landford. Vote: U/A