

**CITY OF
DOVER**

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall
288 Central Avenue, Dover NH 03820
Meeting Date: **Thursday, October 15, 2015**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), Otis Perry (Vice-Chair), Frank Landford, Chris Prior, Bob Hall, George Reagan (Alternate), Arianna Adams (Alternate)

Staff Present: Christopher Parker (Assistant City Manager), Elena Piekut (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.

2. APPROVAL OF MEETING MINUTES OF SEPTEMBER 17, 2015

O.Perry addressed the amended Meeting Minutes of September 17, 2015 distributed to the Board members to show corrections for item 3.C.

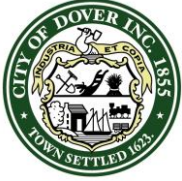
Motion: O.Perry made a motion to approve the September 17, 2015 Regular Meeting Minutes as amended. Seconded by C.Prior. Vote U/A

3. HEARINGS

- A. Z15-19 Owners Brian & Mary Ann Short, 3 Wentworth Terrace (Tax Map 8, Lot 32), located in the Low-Density Residential (R-20) District and Riverfront Residential Overlay (RRD) District, request a variance from Section 170-28.1.C of the Zoning Ordinance to permit a subdivision that would create a 43,893-square-foot lot and a 32,275-square-foot lot where 60,000-square-foot lots are required.

Attorney Bernie Pelech represented the applicants and stated Brian Short was also present. The applicants own both 1 Wentworth Terrace and 3 Wentworth Terrace which are the two largest lots located in the Riverfront Residential District (RRD), as shown on the document he distributed to the Board displaying all lots on Wentworth Terrace. He stated out of the 95 lots in the neighborhood, 90% do not comply in regards to the lot size and are non-conforming. The applicants owns both properties; the father lived in one property, and the applicants in the other. The father has retired to Florida, and the applicants decided to downsize and want to sell the property. In 2012, a Lot Line Adjustment was approved to make the lots conforming. B.Short then built the barn which is located on one side of the road of the property that the applicants want to subdivide. They wanted to sell the property with the barn which is located across the street from the house which makes it difficult to sell. The barn needs to be on a separate lot in order to sell the property. Therefore, the applicants decided to keep the barn and sell the houses. The property is split almost in two by the Wentworth Terrace street. B.Pelech presented the five criteria explanations as listed on the application. He stated the hardship to the applicants in selling the property is that people are not interested in the barn, but the waterfront property, and if the property were subdivided, it would still be larger than the other 95 non-conforming lots in the RRD. The waterfront lot is already developed and would not affect the water quality. B.Pelech stated abutters were present on behalf of the applicant.

S.Reid asked about the premise of the 2012 Lot Line Adjustment to make conforming lots. B.Short stated originally they wanted to downsize to 3 Wentworth Terrace and build a new house there, but after reviewing the



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taxes, they decided to sell the property and move inland. S.Reid confirmed the applicants want to sell both houses, move to Newington, keep the lot with the barn to use as storage, and not build on the property.

C.Prior confirmed with B.Short that the proposed subdivision is due to the inability to sell the property as one lot, and asked how long the property has been for sale. B.Short stated he tried to first sell the property on his own and now works with a realtor who had advised that the barn is not marketable in the sale of the house. C.Prior stated if the variance were granted, to consider a condition that the barn would not be used as a residential structure. B.Short stated he would agree to this as a condition.

C.Parker stated his concern with the suggested condition and advised the Board to table the application due to the fact that the barn would have to come down if the property is subdivided because an accessory structure is not allowed as the only structure on the property, and the barn does not meet the setbacks for a principal structure. He stated he was not aware when the application was submitted that the full intent was to have an accessory structure on one lot.

B.Short asked if he could build a house there as an alternative. C.Parker explained he would have to take the barn down. He stated the applicants would need three variances: one for the non-conforming lot in the RRD, one for the barn until the new house is built, and one for the setback relief. He explained how the subdivision would not be in compliance with the R-20 District regulations and cautioned the Board members to table the application and obtain additional information.

O.Perry motioned to table the application.

B.Pelech confirmed the location of the barn on the plans.

B.Hall asked about making the conforming lot a non-conforming lot and restrictions that would be applied. The Board members decided to table the discussion.

S.Reid stated there will be no public hearing or abutter input at this time.

C.Parker stated there would be an expanded application and a renote to the abutters.

Motion: O.Perry made a motion to table the application. Seconded by F.Landford. Vote U/A

4. ADJOURN

Motion: O.Perry made a motion to adjourn at 7:27 p.m. Seconded by B.Hall. Vote: U/A