

CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, April 21, 2016**
Meeting Time: **7:00 pm**

1. ATTENDANCE

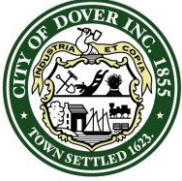
2. APPROVAL OF MEETING MINUTES OF FEBRUARY 18, 2016

3. HEARINGS

- A. Z16-03 Owner Knox Marsh Development, LLC, 23 Knox Marsh Road (Tax Map H, Lot 22), located in the Low Density Residential (R-20) District, requests two variances from **Section 170-12.B** of the Zoning Ordinance that would permit a two-lot subdivision with 1) a lot frontage of 86.43 feet where a minimum lot frontage of 125 feet is required and 2) lot sizes of 15,625 square feet and 17,863 square feet where a minimum 20,000-square-foot lot size is required.
- B. Z16-04 Owner BSG Property, LLC, 800 Central Avenue (Tax Map 37, Lot 29), located in the Office (O) Zoning District, requests a variance from **Section 170-32.H(1)** of the Zoning Ordinance to permit an internally illuminated sign where only indirect, shielded lighting is permitted.

4. ADJOURN

Persons with questions or interested in reviewing the meeting materials are invited to visit the Planning Department located in City Hall, open Monday-Thursday from 8:30 am to 5:30 pm and Friday from 8:30 am to 4:00 pm. The meeting materials are also available online at www.dover.nh.gov. 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 – City Hall
288 Central Avenue, Dover NH 03820
Meeting Date: **Thursday, February 18, 2016**
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), Nicholas Couturier (Alternate)

Members Not Present: Arianna Adams (Alternate)

Staff Present: Christopher Parker (Assistant City Manager), Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:01 p.m. He opened the meeting and introduced the Board and staff members to the audience, as well as Nicholas Couturier as a new Zoning Board member.

2. APPROVAL OF MEETING MINUTES OF NOVEMBER 19, 2015

Motion: O.Perry made a motion to approve the November 19, 2015 Regular Meeting Minutes as amended. Seconded by F.Landford. Vote U/A

G.Reagan arrived at 7:01 p.m.

3. ELECTION

Motion: O.Perry made a motion to nominate S.Reid as Zoning Board Chair. Seconded by F.Landford. Vote: U/A

Motion: F.Landford made a motion to nominate O.Perry as Zoning Board Vice Chair. Seconded by B.Hall. Vote: U/A

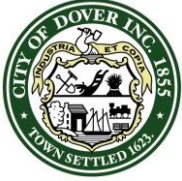
The Board voted by secret ballot. The votes were tallied and the results were announced by C.Parker. S.Reid was elected as Chair and O.Perry was elected as Vice Chair.

4. HEARINGS

- A. Z16-01 Owner Michael Nicholas, 6 James Street (Tax Map I, Lot 76-F), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-18.H** of the Zoning Ordinance to permit a commercial kitchen/bakery as a home occupation, where “caterers or bakeries” are not considered home occupation uses.

Michael Nicholas presented his application and stated the information and five criteria as listed in the application. Gretchen Nicholas was also present.

M.Nicholas answered questions from S.Reid to verify information concerning the homestead kitchen license, the coming and going regarding his business to include trips via the concession trailer and/or to purchase ingredients, and that he would produce the product in his kitchen and sell it in the concession trailer. He further clarified with S.Reid the odors would be normal cooking odors because he would be using an electric kitchen. He stated there would be no exhaust fan because he would not be using gas equipment nor would there be grease laden smoke. He further stated he did not use this equipment at the previous establishment at the Mill either.



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Discussion ensued regarding the license requirements. C.Parker explained the requirements for the City of Dover, and the Staff's process to define this application. M.Nicholas clarified he would not be a retail establishment like Dunkin Donuts. He stated he is a baker and wants to bake and sell the product in his trailer.

Discussion continued with further clarification regarding other customer options to order the product via the business website and facebook page. M.Nicholas stated he would offer delivery or mail service, considering the requests, with the theme of business centered on the concession trailer, and the facebook page would advertise his locations. He further stated he did not anticipate and increase in traffic at the house, except including possibly one employee. He added no customers would come to the house for the product.

Discussion ensued regarding including no sales occurring on the site as a condition. C.Parker stated the applicant stated this information in his application and it is stated in the minutes. Discussion continued with including the condition in the event the applicant moves out of the home.

Public hearing opened.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the request for variance with the following conditions:

1. The additional kitchen shall be limited to 200 sq. ft. in area, and so long as the Customary Home Occupation use continues, the property owner shall not create an Accessory Dwelling Unit.
2. Proof of the health license shall be provided to the Planning Department and kept on file.
3. No direct sales of any product or goods created shall be permitted.

The Chair appointed G.Reagan to sit in on the case.

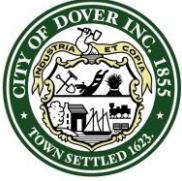
Public hearing closed.

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

- B. Z16-02 Owner Knox Marsh Development, LLC, 23 Knox Marsh Road (Tax Map H, Lot 22), located in the Low Density Residential (R-20) District, requests two variances from **Section 170-12.B** of the Zoning Ordinance: 1) to permit lot frontages of 111 feet, 86 feet, and 74 feet where 125 feet is required and 2) to permit lot sizes of 12,231 sq. ft., 12,136 sq. ft., and 9,122 sq. ft. where a minimum 20,000-square-foot lot size is required.

Christopher Berry, Berry Surveying & Engineering, displayed the plans for viewing, and stated the information and five criteria as listed in the application. Robert Baldwin, Knox Marsh Development, LLC was also present.

C.Berry confirmed with C.Parker that the applicant did not approach the abutters to obtain land for lot size, and the existing building was not inspected. R.Baldwin stated he met with Jim Maxfield and determined the house needed to be gutted, as well as, the amount of work and cost needed to repair the home. He further stated he considered the land owned by Jeff Rowe, but did not want to squeeze the houses together.



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C.Parker clarified for the Board the two variances for the applicant and why this was not two applications.

Discussion ensued regarding why the applicant choose three structures instead of two, the shape of the lots and not wanting to create problems with the neighbors by having an odd space between lots.

S.Reid asked the applicant why the duplex would decrease surrounding property values. C.Berry stated that a duplex could affect property values because this could be rented and could change the feel of the neighborhood.

S.Reid requested clarification regarding the hardship and how that property compares to the neighbors. C.Berry stated the hardship is the general proximity to the commercial zone. He addressed the homes on the plans that have hardship due to commercialization in the area and explained the proximity to the commercial area, and that there is only one way to the project that has commercial activity. O.Perry asked if it creates additional hardship to add two additional houses to the area.

C.Berry clarified in response to C.Parker's question that Norma Rowe owned the site when the plan was produced, and Knox Marsh Development LLC now owns the site.

C.Parker clarified the information in the Staff Memo.

C.Berry stated the hardship of the commercial area has to do with the property constraints.

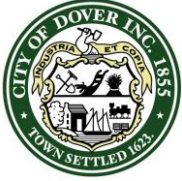
Public hearing opened.

Parker Cook, 11 West Knox Marsh Road, asked if the buildings would be sold, or rented. He stated his concerns regarding the dynamic of the neighborhood and how building three houses could bring traffic concerns. He addressed the plan using a different road to exit from the site where the school is, which could bring additional traffic concerns.

Robert Dubois, 11 Chandler Way, displayed a picture of the site from his back porch and stated his concerns regarding his view due to the removal of the trees, and why the applicant can build in his back yard and he could not build an in-law apartment to care for his family member. He further stated his concern with building three homes in comparison to the lot size. R.Dubois confirmed for S.Reid that there would be a diminution of his homes value if the variance was granted.

Jeffrey Rowe, 29 Knox Marsh Road, stated he sold the property to Robert Baldwin, and offered to sell additional acreage to them. He owns the house next to the project, and the property line is right next to his driveway. He stated his concern regarding the three buildings on one property, and concerns with noise. He stated he removed the trees due to the condition of the trees. J.Rowe confirmed for S.Reid that there would be a diminution of his homes value if the variance was granted.

Ryan Queenan, 12 Chandler Way, stated his concern with building three houses and the how that could affect the property values of the surrounding homes. R.Queenan confirmed for S.Reid that there would be a diminution of his homes value if the variance was granted.



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Parker Cook stated an additional concern regarding the timing of receiving his abutter notice, and that he had less than 24 hours to consider the proposal.

S.Reid read an email from Doug MacDonald, 17 Littleworth Road, which stated his concerns regarding the building of three houses and the lot sizes. He further stated concerns regarding noise pollution, congestion, the impact on his home's value, and the lots should meet the code requirements.

C.Berry addressed the abutter concerns and requested the Board table the application in order to review the comments and develop a different plan.

Discussion ensued regarding options for the applicant to make changes to the application and tabling the application and how the abutters would receive notice.

C.Parker addressed the abutter concern regarding the in-law apartment, and stated regulation changes where he could have the apartment.

Public hearing closed.

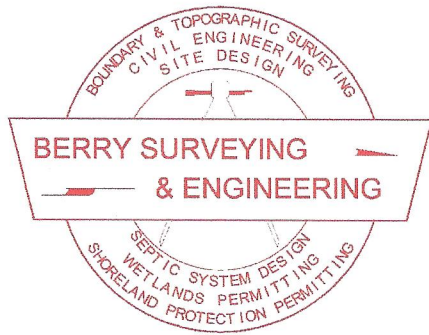
Motion: O.Perry made a motion to table the variance. Seconded by F.Landford. Vote U/A

S.Reid welcomed N.Couturier to the Zoning Board.

Discussion ensued regarding the need to change when the abutter notices are mailed out from the Planning Department, and to evaluate the change made by the Board members in the Rules of Procedure. C.Parker stated he would address the timing issue regarding when the applications are received and the abutter notices are sent in the Department.

5. ADJOURN

Motion: O.Perry made a motion to adjourn at 8:26 p.m. Seconded by B.Hall. Vote: U/A



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April 5, 2016

City of Dover
Zoning Board of Adjustments
288 Central Ave
Dover, NH 03820

Re: Knox Marsh Road Development LLC
Proposed Subdivision
23 Knox Marsh Road
Dover, NH
Tax Map H, Lot 22

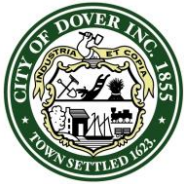
Mr. Chair and Members of the Dover Zoning Board of Adjustments,

On behalf of Knox Marsh Development LLC, Berry Surveying & Engineering (BS&E) is requesting the former application on this parcel concerning a three lot subdivision be withdrawn from consideration without prejudice. The applicant has formally filed a separate application for a revised project on the same parcel of land.

Thank you for your time and attention to this matter. We hope you look favorably upon this two request.

BERRY SURVEYING & ENGINEERING

Christopher R. Berry
Principal, President



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers – City Hall, 288 Central Avenue, Dover, NH
Meeting Date:	Thursday, April 21, 2016
Meeting Time:	7:00 pm

INTENT: The Applicant requests two variances—one from the minimum lot size requirement and one from the minimum frontage requirement—in order to permit the subdivision of one lot at the corner of West Knox Marsh Road and Chandler Way into two lots.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-A

ZONING DISTRICT: R-20

FILE: Z16-03; previous application (Z16-02 has been withdrawn)

APPLICANT: Knox Marsh Development, LLC

OWNERS: Knox Marsh Development, LLC

LOCATION: 23 Knox Marsh Road (Tax Map H, Lot 22)

ACREAGE: 0.77 ac (33,489 sq. ft.)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwellings

SURROUNDING LAND USE: Single-family dwellings, NH Routes 9/155/16

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: Yes

ATTACHMENTS: Application

STAFF RECOMMENDATION: The Planning Department does not oppose the variance request.

Summary of Appeal and Background

The property is located in a residential neighborhood at the corner of Chandler Way and West Knox Marsh Road, adjacent to the intersection of Routes 9 and 155 and Exit 8.

The Applicant seeks to subdivide the 33,489-square-foot (0.77 acre) lot, creating two lots. Where 125 feet of lot frontage is required, the Applicant proposes a new lot with 86 feet of frontage. The new lot would contain 17,863 square feet and the lot with the existing structure would contain 15,625 square feet. The lot with the existing structure has 250± feet of frontage.

There is one vacant single-family dwelling in poor condition on the property. City water and sewer are available on both streets, but the existing home is not served by either utility.

Reason for Staff Recommendation

The proposed use is a reasonable one. Although most lots in the neighborhood are conforming to R-20 minimum lot size and frontage, several in close proximity to the subject lot do not conform. Placing a new structure in the proposed building envelope would be in keeping with the placement of other homes along Chandler Way. The location of the existing structure prevents the applicant from finding a neat solution to meeting the minimum frontage requirement on both proposed lots.

Because the existing structure was built prior to May 27, 1964, conversion to a two-family dwelling is permitted by right. With the proposed condition of approval, this density will be preserved while the single-family nature of the neighborhood is maintained. Two-family dwellings are not otherwise permitted in the R-20, unless developed as part of an open-space subdivision.

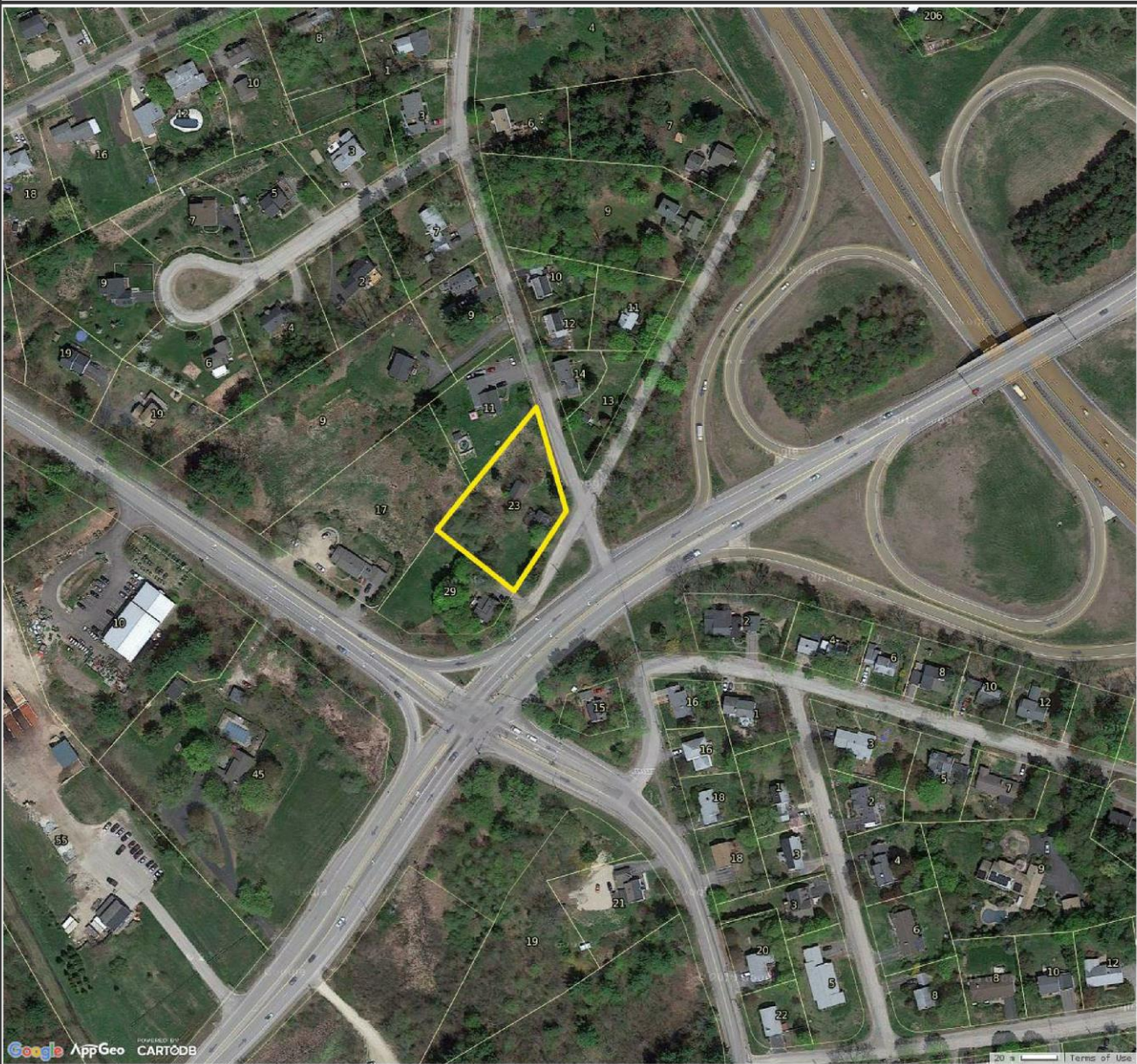
Although the request meets several variance criteria, staff opinion is that no unnecessary hardship is imposed upon this property through the strict application of dimensional regulations.

Recommendation

The Planning Department does not oppose the variance request.

If the Board votes to grant the variance, Staff recommends the following conditions:

1. The existing house shall be served by public water and sewer.
2. The existing house shall not be converted to a duplex.



Property Information

Property ID H0022-000000
Location 23 KNOX MARSH RD
Owner KNOX MARSH ROAD DEVELOPMENT LLC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.



City of Dover, New Hampshire ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #:	<u>Z16-03</u>	Date Received:	<u>MAR 31 2016</u>
Amount Paid:	\$ <u>348.00</u>	Time Received:	<u>Dover, New Hampshire</u>

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Berry Surveying & Engineering Phone # (603) 332-2863

Address of Applicant: 335 Second Crown Point Rd. Barrington NH 03823

E-Mail Address: crberry@metrocast.net

PROPERTY OWNER (if different from applicant): Knox Marsh Road Development LLC.

Address: 242 Central Ave, Dover, NH 03820 Phone # (603) 742-2121

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 23 KNOX MARSH ROAD

Brief Directions: Enter NH Route 155 From the East (from Downtown) and turn Left onto Chandler Way. Immediate Right onto West Knox Marsh Road.

Zoning District: R-20 Assessor's Map # H Lot(s) # 22

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>R-20</u> 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:

see attached narrative

F. _____

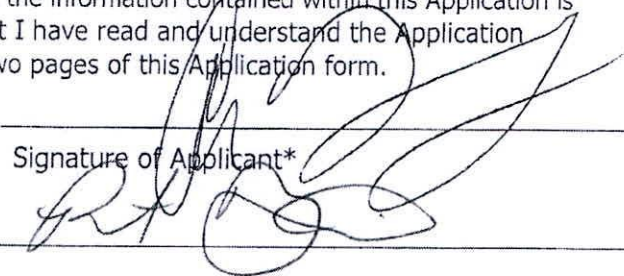
SIGNATURE PAGE

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.

IMPORTANT

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.

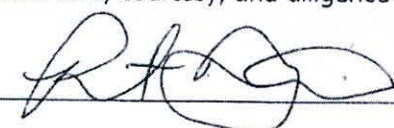
Signature of Applicant* 

Signature of Owner*

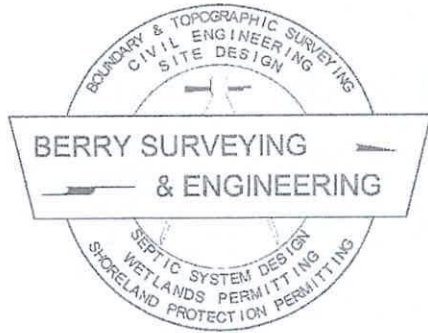
*Both Signatures Required

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, postapproval 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: 

Date: 7/5/2016



BERRY SURVEYING & ENGINEERING

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March 31, 2016

City of Dover
Zoning Board of Adjustments
288 Central Ave
Dover, NH 03820

Re: Knox Marsh Road Development LLC
Proposed Subdivision
23 Knox Marsh Road
Dover, NH
Tax Map H, Lot 22

Mr. Chair and Members of the Dover Zoning Board of Adjustments,

On behalf of Knox Marsh Development LLC, Berry Surveying & Engineering (BS&E) is requesting a variance to the Table of Requirements in the Low Density Residential (R-20) District to allow less than the required amount of frontage and to allow less than the required amount of land area to create a two lot single family residential subdivision instead of converting the existing structure to a permitted duplex.

Background and General Narrative:

Knox Marsh Road Development LLC is the current owner of Tax Map H, Lot 22 found at 23 Knox Marsh Road in Dover, NH. The subject parcel is 0.77 Acres in size, all upland area, and is found generally on the corner of two major access points into the City of Dover, NH Route 9 & NH Route 155 and on the corner of Chandler Way. The parcel includes a structure that was built in 1880, and has fallen into such dis-repair that it has not been lived in for many years. The parcel is located in an older neighborhood that contains multiple lots which were created prior to the R-20 zoning requirement and are smaller than 20,000 SF and have less than the required 125 feet of frontage. This is one of two remnant parcels of land remaining from the Korn Estate, from which many of the existing housing stock within the older portions of the neighborhood were derived. This area of the city is serviced by municipal water and sewer.

The Proposal:

The proposal is to simply subdivide the parcel into two total lots. The existing structure would be renovated and maintained on one of the lots, with the creation of two lots. The additional lot is shown to the north of the existing structure. The structure is eligible for conversion to a duplex, which is not preferred whereas the existing neighborhood is comprised of only single family homes. The new proposed lot would have less than the required 125 feet of frontage at the front setback line, currently proposed to be 86.43'. Both of the lots would have less than the required 20,000 SF of land area, whereas it was the intent to keep the configuration as square and rectilinear as possible. The existing house lot is proposed to have 15,625 Sq.Ft., and the proposed house lot is to have 17,863 Sq.Ft.

A review of the existing lots within the neighborhood and the abutting neighborhood found that there is a range of lot areas between 6,000 SF per unit and 20,000 SF per unit. A review of the frontages found

within the area revealed that frontages varied based on the constructed housing stock, but in many cases they were less than 125 feet.

Specific Variance Request & Criteria for Approval:

As noted on page 1, the request is a Variance to the frontage along the setback line as required in the Table of Uses for the R-20 Zone. The applicant is requesting the frontage be less than the required 125 feet, and is proposing that the new building lot have a frontage along the setback of 86.43'. A request for a variance to the minimum lot area to the same, to allow two lots to be developed with the two land areas being approximately 15,625 SF and 17,863 SF.

1.) *"Granting the variance would not be contrary to the public interest."*

- a. The public interest in having frontage requirements is to ensure that each parcel and lot is spaced according to the zone in which it falls. The intent is to create as close to a uniform look as possible, giving each land owner space on both sides of the parcel for land use. In this case, the public interest is preserved. The applicant is proposing lots which are very regular in shape, and create space on each side which are comparable in size to their immediate abutters and conform to the sideline setbacks. This is witnessed by the fact that lots within the same neighborhood have smaller frontages, but similar space as the proposed subdivision, and residential structures are developed to fit the lot. The general interest in lot sizes, again pertains to space issues, and in this particular case the special concern is pacified by the layout and usable land area provided on each lot, as well as the ability to maintain the required setback.

2.) *"Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance"*

- a. In typical New England fashion, the Ordinance attempts to rationalize in a uniform fashion an area of the City which was developed far before the time of Ordinance. The intent of the ordinance is to create new neighborhoods and allow further development in older neighborhoods which are consistent within certain areas and zones of the City. This is witnessed by the newer subdivision to the North (Beverly Lane). In that instance each lot contains the minimum required frontage and lot size, and is highly uniformed. In this case, the lack of uniformity is the character of the neighborhood, and this proposal fits within this value, and thus preserves the spirit of the Ordinance. The inconsistency, allowed by right, would be to construct a duplex onto a single unit in a neighborhood which is comprised of single family homes. The frontage provided and land area provided, coupled with the ability to develop the lots within the required setbacks, is consistent with the neighborhood and surrounding development.

3.) *"Granting the variance would do substantial justice."*

- a. The substantial justice would be to allow this land owner to develop the second lot instead of creating the second unit within the existing structure. Additional value is recognized by the City of Dover and the neighborhood as a whole through the construction of an additional single family home over a duplex unit, on land that is well suited and sized for this use. The subdivision creates harmonious land uses with appropriate areas for usage and enjoyment on each lot, without marooning area away from building zones, and creating ambiguous space.

4.) *"Granting the variance will not result in diminution of surrounding property values"*

- a. The surrounding property values are consistent with a single family neighborhood, which is what the applicant trying to preserve. The value and street scape of the remaining



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owners will only be affected by the view of a newer home along the existing road frontage. There is to be very little additional traffic on the street, and the quality of life equitably enjoyed along the street will not be changed by the addition of two new homes.

5.) *"Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:*

a. *"The following special conditions of the property distinguish it from the other properties in the area:"*

i. This is a remnant lot in an area of the City which already has similar frontages and area requirements found within the neighborhood. This neighborhood is zoned R20, however has been historically developed in a fashion closer to an R12, to which this development is closer. The property has the ability by right to convert to a duplex or second unit, which is special considering there are few properties in the surrounding area that have this ability. The ease of developing a new, higher value lot / unit for the owner and the neighborhood over the development of a second unit for rent in the area is the hardship for the applicant when it is their intent to try and preserve the areas character

b. *"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:"*

i. The relationship between frontage along a street and lot size and area for unit density is directly related to the usability and feel of the neighborhood in which it lies or is trying to create. The ordinance recognizes that in other areas of the City, which are developed at a similar time period, that smaller lot areas and frontages are appropriate to that which is being proposed. In this case, as is the surrounding cases, and others within the City, these lots can be created while allowing for appropriate sideline, front and rear setbacks, while providing for usable space for residents to enjoy, without overcrowding. The general topography is flat, with no jurisdictional wetlands, and therefore these lots can reasonably be developed without a hindrance to drainage, creating problems to abutting land owners, or without substantially changing the grade of the site.

c. *"The proposed use is a reasonable one because:"*

i. It allows for a single family home to be constructed on land which is well suited for it, in a neighborhood which has like construction, off a frontage value similar to those found on abutting parcels.

Thank you for your time and attention to this matter. We hope you look favorably upon these two requests.

BERRY SURVEYING & ENGINEERING

Christopher R. Berry
Principal, President

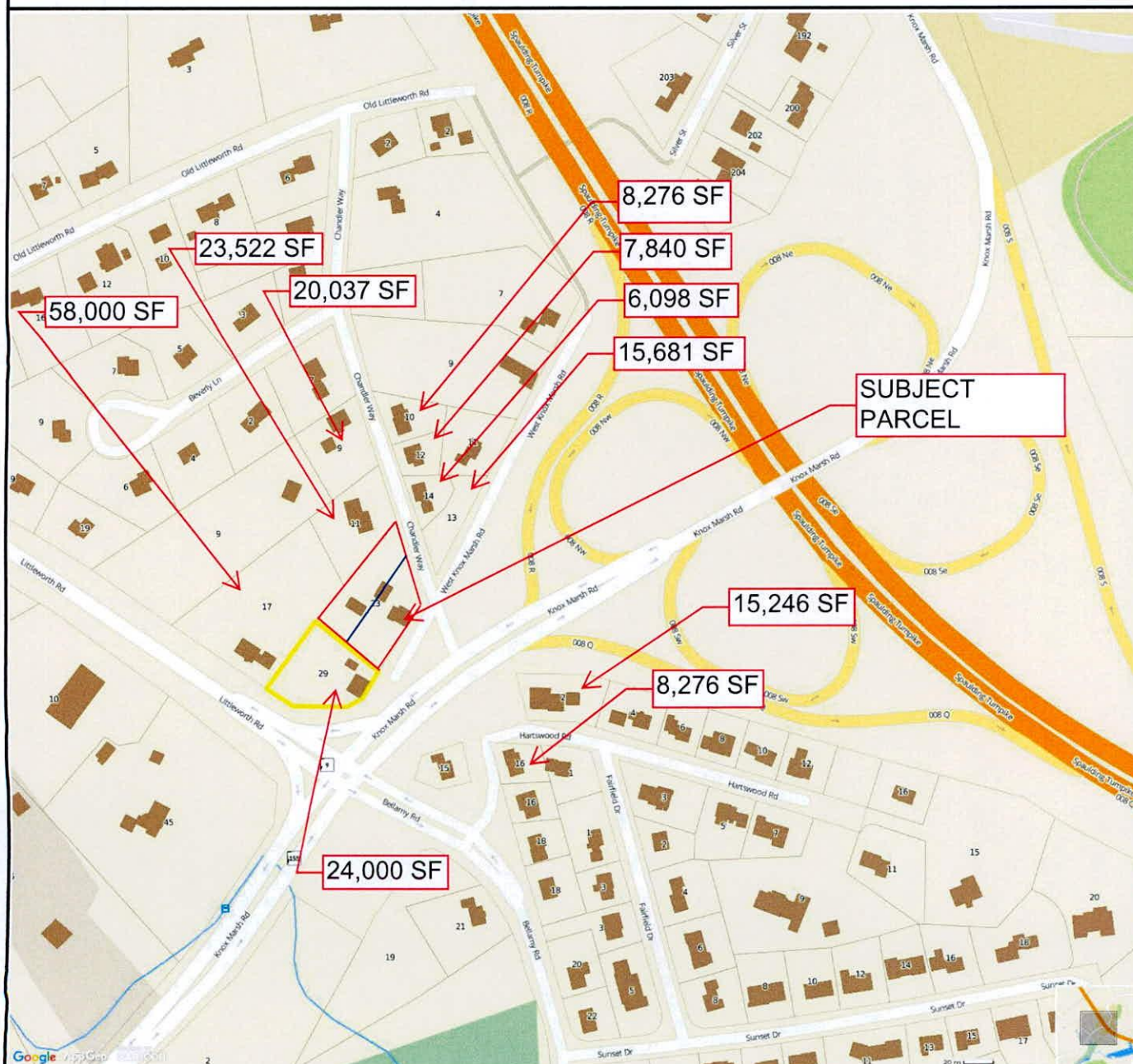


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**Property Information**

Property ID H0021-000000
Location 29 KNOX MARSH RD
Owner ROWE JEFFREY H &



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.



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Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

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March 31, 2016

Abutters List

Owner:

Tax Map H, Lot 22

Knox Marsh Road Development LLC
242 Central Ave.
Dover, NH 03820
Book 4357, Page 140

Direct Abutters:

Tax Map 13, Lot 21

Tax Map 13, Lot 21 A

Hazel M. & Charles R. Chandler
14 Chandler Way
Dover, NH 03820
Book 1173, Page 399
Book 873, Page 228

Tax Map H, Lot 22-A1

Robert D. & Sandra L. Dubois
11 Chandler Way
Dover, NH 03820
Book 2902, Page 75

Tax Map H, Lot 22-A

Douglas Macdonald
79 Calef Island Rd
Barrington, NH 03825-5371
Book 2229, Page 150

Tax Map H, Lot 21

Jeffery H. & Laura L. Rowe
228 Spruce Lane Ext
Dover, NH 03820
Book 2544, Page 324

Tax Map H, Lot 19

Cheri B. Nixon
15 Bellamy Rd
Dover, NH 03820-4357
Book 2957, Page 119

Tax Map 14, Lot 003

Kathryn Weegar
16 Bellamy Rd
Dover, NH 03820-4322
Book 4318, Page 464

Tax Map 14, Lot 001

Aaron B Wensley
2 Hartswood Rd
Dover, NH 03820
Book 3884, Page 172

Abutters 200'**Tax Map 13, Lot 20 B**

Ryan T. Dorval & Paige E. Queenan
12 Chandler Way
Dover, NH 03820
Book 4278, Page 819

Tax Map 13, Lot 20

Parker C. & Sunya L. Cook
11 West Knox Marsh Rd
Dover, NH 03820
Book 4146, Page 222

**BERRY SURVEYING & ENGINEERING**

335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com

Tax Map 13, Lot 20 A

Matthew R. Boyer
10 Chandler Way
Dover, NH 03820
Book 4239, Page 627

Tax Map 13, Lot 19

Daniel C & Beverly F Peduzzi
9 West Knox Marsh Rd
Dover, NH 03820
Book 2125, Page 566

Tax Map H, Lot 23

Claire & Karen Lord
Robert and Claire Lord Revocable Trust
9 Chandler Way
Dover, NH 03820
Book 3688, Page 1001

Tax Map H, Lot 24-A

George E Nicol & Carol E Gifford
7 Chandler Way
Dover, NH 03820
Book 4236, Page 134

Tax Map H, Lot 29-01

Tianhang Hou & Heping Yuan
322 Portsmouth Ave
Greenland, NH 03840-2220
Book 3933, Page 874

Tax Map H, Lot 29-02

Anthony J & Leslie E Alex
4 Beverly Lane
Dover, NH 03820
Book 2024, Page 047



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(603) 332-2863 / (603) 335-4623 FAX
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Tax Map H, Lot 23-1

Lakpa Sherpa
9A Chandler Way
Dover, NH 03820
Book 3282, Page 561

Tax Map H, Lot 32

Gloria Michaud
45 Knox Marsh Rd
Dover, NH 03820
Book 1471, Page 597

Professionals:

Kenneth A. Berry PE LLS
Christopher R. Berry, Project Manager
Berry Surveying & Engineering
335 Second Crown Point Rd
Barrington, NH 03820

Cindy Balcius, CWW, CSS
Stoney Ridge Environmental LLC
229 Prospect Mountain Rd
Alton, NH 03809



BERRY SURVEYING & ENGINEERING

335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com

YOUR RECEIPT

THANK YOU

Planning and Com Dev
M-T 8:30A - 5:30P
603.516.6008

04/05/2016 3:45PM 07
000000#1790 CLERK07

COPY

#1603
#5759

1 @ \$100.00
Variance \$100.00
21 @ \$8.00
Certified Mail \$168.00
1 @ \$80.00
Legal Notice \$80.00

ITEMS 230
CHECK \$348.00

APPLICATION CHECKLIST (Please check off)

Application signed by Applicant and Property Owner (if different from Applicant) ☒ X
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1
(2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.

10 copies of Completed Zoning Board of Adjustment Application ☒ X

Only include those pages of the application that are relevant to your request.

Do not include the abutters list with the 10 copies (include only

10 copies of original signed application (Part A above)).

10 copies of a plot plan drawn in accordance with a boundary line to scale not less than 1" =

1" need to include the lot dimensions including area in

square feet, and also the size and location of existing and proposed buildings if

applicable, including setbacks.

☒ X

D. Submit at least one (1) copy of the plot plan at a size of 8 1/2 x 11 (this is in addition to the 10 copies required in 'C' above). ☒ X

E. 10 copies of photos (suggested but optional) and any other materials applicant would like to submit in support of the application. ☒ X

F. List of abutters including addresses and map and lot number of parcels that adjoin or are located within two hundred (200) feet (including land across the street or waterway) of the subject property. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line, shall be notified by first class mail only. ☒ X

G. Mailing Labels in triplicate with abutters names and addresses for notices. (Use Avery 5160 label) ☒ X

H. TOTAL FEE paid by cash or check made payable to "City of Dover"

1. Application fee of:

\$100.00 VARIANCE (per Section requested) \$ 100.00

\$100.00 SPECIAL EXCEPTION \$

\$100.00 APPEAL FROM ADMINISTRATIVE DECISION \$

\$100.00 EQUITABLE WAIVER \$

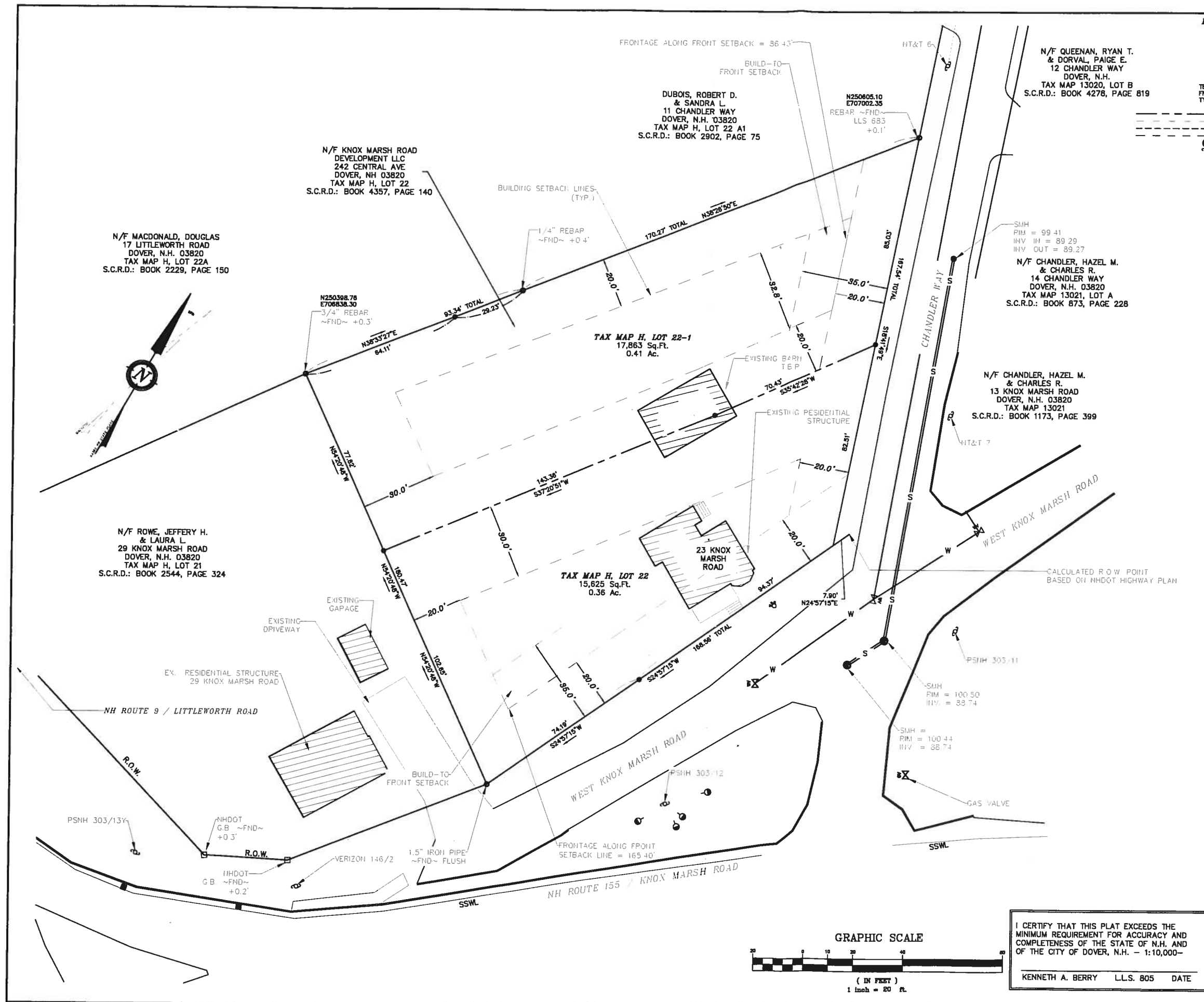
2. Certified letters fee: # of abutters 17 X \$8.00 = \$ 136

3. Applicant & Owner mailing fee: 4 X \$8.00 = \$ 32.00

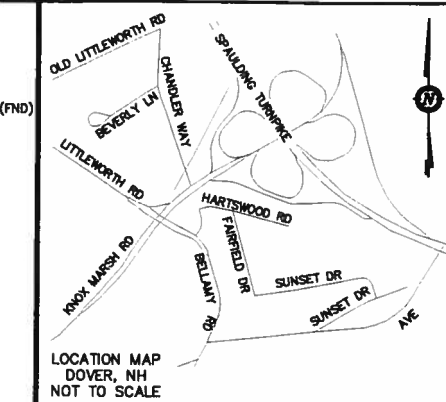
4. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters X \$1.00 = \$

5. Foster's newspaper public notice \$ 80.00

TOTAL FEE \$ 348.00



- LEGEND:**
- 1" IRON BOUND TBS.
 - PK NAIL
 - IRON PIPE (FND)
 - IRON BOUND (FND)
 - × STEEL STAKE OR ANGLE IRON (FND)
 - DRILL HOLE (FND OR SET)
 - TO BE SET
 - FOUND
 - TYPICAL
 - STONE WALL
 - PROPOSED BOUNDARY LINE
 - BUILDING SETBACK LINE
 - EASEMENT LINE
 - JURISDICTIONAL WETLAND LINE
 - WELL
 - UTILITY POLE



- NOTES:**
- 1.) OWNER: KNOX MARSH ROAD DEVELOPMENT LLC
242 CENTRAL AVE.
DOVER, NH 03820
 - 2.) TAX MAP H, LOT 22
 - 3.) LOT AREA: 33,489 Sq. Ft., 0.77 Ac.
 - 4.) S.C.R.D. BOOK 4357, PAGE 140
 - 5.) ZONING: LOW DENSITY RESIDENTIAL (R-20) DISTRICT
SETBACKS:
FRONT - BUILD TO LINE 20-35'
SIDE - 20.0'
REAR - 30.0'
WETLANDS SETBACK ~ 50.0'
MIN. LOT SIZE: 20,000 Sq. Ft.
MIN. LOT FRONTAGE: 125'
MAX. BLDG. HEIGHT: 35'
MAX. LOT COVERAGE: 30%

6.) I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE & BELIEF, THIS PARCEL DOES NOT FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD REF.: FEMA COMMUNITY - 330150, MAP# - 33017001950, DATED: MAY 17, 2005.

7.) THE PROJECT SITE IS SERVICED BY MUNICIPAL WATER AND SEWER.

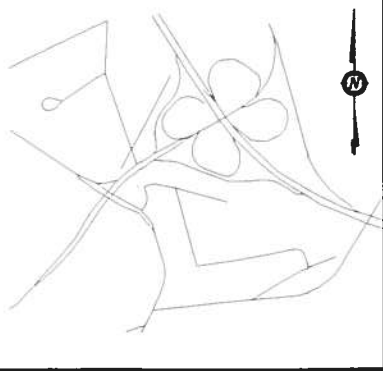
PLAN REFERENCES:

- 1.) "PLAN OF SUBDIVISION OF LAND OF BEVERLY L. POINTE ROUTE 9 AND BELLAMY ROAD DOVER, NEW HAMPSHIRE PREPARED BY CIVIL CONSULTANTS ENGINEERING PLANNING SOUTH BERWICK, ME" BY: CIVIL CONSULTANTS ENGINEERING SURVEYING PLANNING DATED: JUNE 11, 1986 S.C.R.D.: PLAN # 29-72
- 2.) "PLAN OF LOTS BEVERLY L. POINTE DOVER NEW HAMPSHIRE" BY: G.L. DAVIS & ASSOCIATES SURVEYING - ENGINEERING DATED: JUNE 1978 S.C.R.D.: PLAN # 170-111
- 3.) "STANDARD BOUNDARY SURVEY AND MINOR SUBDIVISION PLAN OF LAND LOT 22A, TAX ASSESSOR'S MAP "H" BELLAMY ROAD EXTENSION & LITTLEWORTH ROAD (A.K.A. N.H. ROUTE 9) DOVER, NEW HAMPSHIRE COUNTY OF STRAFFORD" BY: CIVIL WORKS ENGINEERS - SURVEYORS DATED: MAY 2, 1997 S.C.R.D.: PLAN # 59-23
- 4.) "SUBDIVISION PLAN MARK C. & JODI STONE BELLAMY ROAD & LITTLEWORTH ROAD DOVER, NEW HAMPSHIRE" BY: TITECH ENGINEERING CORPORATION DATED: FEBRUARY 10, 2004 S.C.R.D.: PLAN # 74-87
- 5.) "RIGHT-OF-WAY PLANS STATE OF NH NHDOT ROW PLANS CITY OF DOVER COUNTY OF STRAFFORD" DATED: JANUARY 11, 1993 S.C.R.D.: PLAN # 60-83

REVISION	DATE	DESCRIPTION
PROPOSED SUBDIVISION PLAN FOR KNOX MARSH DEVELOPMENT LLC 23 KNOX MARSH ROAD DOVER, NH 03820 TAX MAP H, LOT 22		
BERRY SURVEYING & ENGINEERING 335 SECOND CROWN POINT RD. BARRINGTON, N.H. 332-2863		
SCALE : 1 IN. EQUALS 20 FT.		
DATE : MARCH 31, 2016		
FILE NO. : DB 2015 - 134		



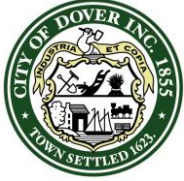
- LEGEND:**
- 1" IRON BOUND TBS.
 - PK NAIL
 - IRON PIPE (FND)
 - × IRON BOUND (FND)
 - STEEL STAKE OR ANGLE IRON (FND)
 - DRILL HOLE (FND OR SET)
 - TO BE SET
 - FOUND
 - TYPICAL STONE WALL
 - PROPOSED BOUNDARY LINE
 - BUILDING SETBACK LINE
 - EASEMENT LINE
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 - ⊙ WELL
 - ⊙ UTILITY POLE



- NOTES:**
- 1.) OWNER: KNOX MARSH ROAD DEVELOPMENT LLC
242 CENTRAL AVE
DOVER, NH 03820
 - 2.) TAX MAP H, LOT 22
 - 3.) LOT AREA: 33,489 Sq. Ft., 0.77 Ac.
 - 4.) S.C.R.D. BOOK 4357, PAGE 140
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SETBACKS:
FRONT - BUILD TO LINE 20'-35'
SIDE - 20.0'
REAR - 30.0'
WETLANDS SETBACK - 50.0'
MIN. LOT SIZE
20,000 Sq. Ft.
MIN. LOT FRONTAGE
125'
MAX. BLDG. HEIGHT
35'
MAX. LOT COVERAGE
30%
 - 6.) I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE
& BELIEF, THIS PARCEL DOES NOT FALL WITHIN THE FLOOD
PLAIN FLOOD HAZARD REF.: FEMA COMMUNITY# -330150,
MAP# - 330170D1950, DATED: MAY 17, 2005.
 - 7.) THE PROJECT SITE IS SERVICED BY MUNICIPAL WATER AND
SEWER.

- PLAN REFERENCES:**
- 1.) "PLAN OF SUBDIVISION OF LAND OF BEVERLY LOPINTE
ROUTE 9 AND BELLAMY ROAD DOVER, NEW HAMPSHIRE
PREPARED BY CIVIL CONSULTANTS ENGINEERING
PLANNING SOUTH BERWICK, ME"
BY: CIVIL CONSULTANTS ENGINEERING SURVEYING PLANNING
DATED: JUNE 11, 1986
S.C.R.D.: PLAN # 29-72
 - 2.) "PLAN OF LOTS BEVERLY LOPINTE DOVER NEW HAMPSHIRE"
BY: G.L. DAVIS & ASSOCIATES SURVEYING - ENGINEERING
DATED: JUNE 1978
S.C.R.D.: PLAN # 17D-111
 - 3.) "STANDARD BOUNDARY SURVEY AND MINOR SUBDIVISION
PLAN OF LAND LOT 22A, TAX ASSESSOR'S MAP "H"
BELLAMY ROAD EXTENSION & LITTLEWORTH ROAD
(A.K.A. N.H. ROUTE 9) DOVER, NEW HAMPSHIRE
COUNTY OF STRAFFORD"
BY: CIVIL WORKS ENGINEERS - SURVEYORS
DATED: MAY 2, 1997
S.C.R.D.: PLAN # 59-23
 - 4.) "SUBDIVISION PLAN MARK C. & JODI STONE BELLAMY ROAD
& LITTLEWORTH ROAD DOVER, NEW HAMPSHIRE"
BY: TRITECH ENGINEERING CORPORATION
DATED: FEBRUARY 10, 2004
S.C.R.D.: PLAN # 74-87
 - 5.) "RIGHT-OF-WAY PLANS STATE OF NH NHDOT ROW PLANS
CITY OF DOVER COUNTY OF STRAFFORD"
DATED: JANUARY 11, 1993
S.C.R.D.: PLAN # 80-93

REVISION	DATE	DESCRIPTION
PROPOSED SUBDIVISION PLAN FOR KNOX MARSH ROAD DEVELOPMENT LLC 23 KNOX MARSH ROAD DOVER, NH 03820 TAX MAP H, LOT 22		
BERRY SURVEYING & ENGINEERING 335 SECOND CROWN POINT RD. BARRINGTON, N.H. 332-2863		
SCALE : 1 IN. EQUALS 50 FT.		
DATE : MARCH 31, 2016		
FILE NO. : DB 2015 - 134		



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers – City Hall, 288 Central Avenue, Dover, NH
Meeting Date:	Thursday, April 21, 2016
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance from the sign regulations to permit internal illumination of a sign in the Office District, where only external illumination is permitted.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-B

ZONING DISTRICT: O

FILE: Z16-04

APPLICANT: BSG Property, LLC

OWNERS: BSG Property, LLC

LOCATION: 800 Central Avenue (Tax Map 37, Lot 29)

ACREAGE: 0.4 acre (17,424 sq. ft.)

EXISTING LAND USE:
Office/residential

PROPOSED LAND USE: Same

SURROUNDING LAND USE:
Office/residential, offices, nursing home, hospital, single and multi-family residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application

STAFF RECOMMENDATION: The Planning Department does not support the variance request.

Summary of Appeal and Background

The property is located on the west side of Central Avenue, in the middle of the Office (O) zoning district, which encompasses lots with frontage on the west side of Central Avenue from Abbey Sawyer Memorial Drive to Glenwood Avenue. It has been converted from a one- or two-family dwelling to an IT consulting services office and one dwelling unit. The property abuts other houses converted to office or mixed office/residential uses and is across the street from the Wentworth Professional Building and Wentworth Home. Single-family dwellings are located behind the property.

The Applicant seeks a variance from the sign illumination type permitted in the O district in order to add internal illumination to the existing freestanding sign. Section 170-32.H(1) permits only a “constant indirect source of lighting” which “shall be shielded and shall illuminate only the sign.”

Reason for Staff Recommendation

The Zoning Ordinance sets maximum illuminance standards for three types of illumination: external, internal, and direct. Additional regulations for the Office and surrounding districts restrict illumination types and hours:

O – external only, no illumination after 9:00 p.m.

H – any type, no limit on hours of illumination

B-3 – any type, no limit on hours of illumination

CBD-DG – any type, no illumination after 9:00 p.m.

R-12 – external only, no illumination after 9:00 p.m.

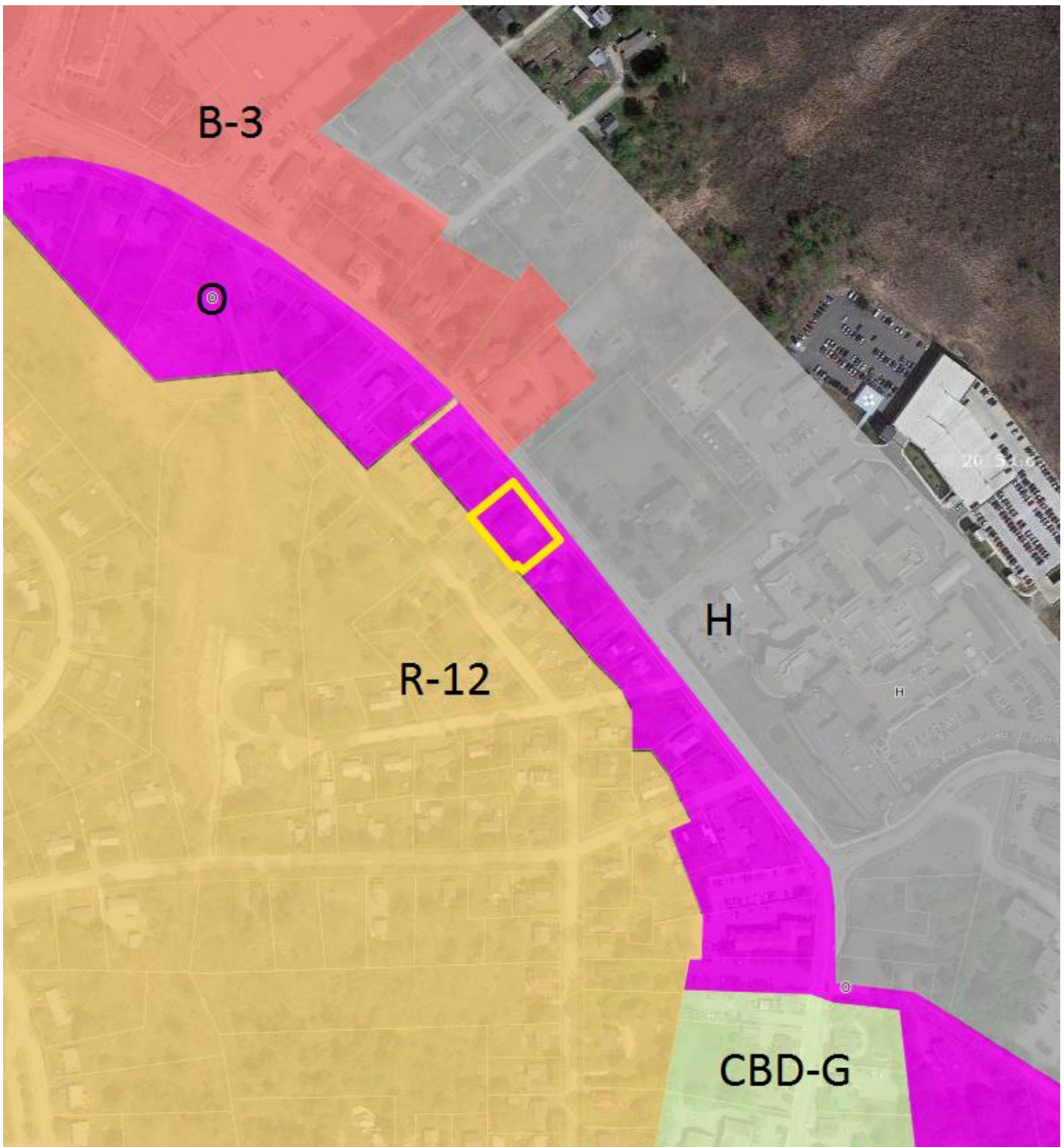
These regulations were developed in order to meet the purpose of each zoning district, where the O and CBD-Downtown Gateway are intended to provide transitional areas between the more densely developed districts (CBD General, B-3) that permit more signage and greater illumination, and the less developed areas (R-12) where minimal signage and illumination are permitted. The Office and Hospital districts are very similar: both promote mixed uses, with O permitting greater residential density and H permitting more institutional residential/medical uses. Although the Hospital district permits all types of sign illumination at all hours, the need for identification is greater.

The Applicant argues that special conditions of the property creating undue hardship are its location abutting commercial uses and its proximity to the B-3. The stated intent of the O district and its regulations, however, is to provide for transition away from the character of more commercial areas (the B-3 district) to urban residential uses. Staff opinion is that the Applicant suffers no hardship that is not borne equally among the property owners (and multiple office uses) throughout the Office zoning district.

The Applicant points to a bright sign nearby as an example of external illumination that is no more consistent with the spirit and intent of the ordinance than an internally lit sign would be. The sign submitted as an example was installed prior to the adoption of maximum illumination standards and likely does not conform to them.

Recommendation

The Planning Department recommends denial of the variance request.





City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only

Case #:

216-04

Date Received:

MAR 31 2016

Amount Paid:

\$ 364.00

Time Received:

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: BSG Property, LLC Phone # 603-692-5100

Address of Applicant: 800 Central Avenue, Dover, NH 03820

E-Mail Address: Steven Gagnon (sgagnon@bbnnh.com)

PROPERTY OWNER (if different from applicant): Same

Address: Same Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 800 Central Avenue, Dover, NH

Brief Directions: Located on Central Avenue across from the office park that sits next to the Wentworth Home
(next to the Bruton & Berube Law office)

Zoning District: O Assessor's Map # 37 Lot(s) # 29

TYPE OF APPEAL: (Please check one)

☒ Variance

from Section 170-32(H)(1) 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:

The property is currently and will continue to be used as a business that offers computer services.

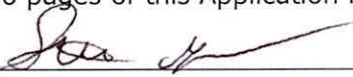
SIGNATURE PAGE

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.

IMPORTANT

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.



Signature of Applicant*



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:  Date: 3/30/16

YOUR RECEIPT THANK YOU

216-04

Planning and Com Dev
M-T 8:30A - 5:30P
603.516.6008

APPLICATION CHECKLIST (Please check off)

03/31/2016 1:36PM 07
000000#1788 CLERK07

#1604
#1467
1 @ \$100.00
Variance \$100.00
23 @ \$8.00
Certified Mail \$184.00
1 @ \$80.00
Legal Notice \$80.00

ITEMS 25Q
CHECK \$364.00

Application signed by Applicant and Property Owner (if different from Applicant) X

In order for the application to be accepted by Planning Department staff placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.

10 copies of Completed Zoning Board of Adjustment Application X

Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only part of original signed application (Part A above)).

10 copies of a plot plan drawn in accordance with a boundary line to scale less than 1" = 40'. They need to include the lot dimensions including area in feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. X

D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above). X

E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. X

F. **List of abutters** including addresses and map and lot number of parcels that adjoin or are located within two hundred (200) feet (including land across the street or waterway) of the subject property. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line, shall be notified by first class mail only. X

G. **Mailing Labels** in triplicate with abutters names and addresses for notices. (Use Avery 5160 label) X

H. **TOTAL FEE** paid by cash or check made payable to "City of Dover"

1. Application fee of:

\$100.00 VARIANCE (per Section requested)	\$ <u>100.00</u>
\$100.00 SPECIAL EXCEPTION	\$ <u> </u>
\$100.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ <u> </u>
\$100.00 EQUITABLE WAIVER	\$ <u> </u>
2. Certified letters fee: # of abutters 22 X \$8.00 = \$ 176.00
3. Applicant & Owner mailing fee: 1 X \$8.00 = \$ 8.00
4. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters X \$1.00 = \$
5. Foster's newspaper public notice \$ 80.00

TOTAL FEE \$ 364.00

VARIANCE REQUEST

**BSG Property, LLC
800 Central Avenue, Map 37, Lot 29
Dover, New Hampshire**

PROJECT NARRATIVE

The property is located in the Office (O) District. The owner of the property seeks to have the existing signage internally illuminated, where only the lettering of the business name will be illuminated, with the background of the sign remaining non-illuminated. A copy of the proposed illumination scheme is attached hereto. Other than the lettering being internally illuminated, the signage will satisfy all other signage criteria required within the Office District.

Pursuant to Section 170-32 (H) (1), signage is only permitted to be illuminated by a shielded indirect source. Illumination, however, that utilizes an external source often results in excess illumination "splash," such as that found within the immediate area of the Applicant's property. See attached example. The Applicant seeks to reduce the splash, and only illuminate the lettering on the sign, not even the entire sign. In addition, the sign is located within an area that would be completely shielded from any residential use.

It is believed that the Applicant's proposal to internally illuminate only the lettering of the existing signage represents a reasonable use of the property, particularly in light of the close proximity of other properties within the B-3 District that are permitted to utilize internal lighting on all of the permitted signage. Given the unique location of the property next to commercial uses and the buffer between the proposed signage and any residential use, the Applicant respectfully submits that the grant of the variance requested herein is reasonable.

Variance Requirements

1. The Variance Will Not Be Contrary to the Public Interest.

To be contrary to the public interest or injurious to public rights of others, the variance must unduly, and in a marked degree, conflict with the ordinance such that it violates the ordinance's basic zoning objectives. To determine whether a variance would violate the basic zoning objectives, it is appropriate to examine whether the granting of the variance would alter the essential character of the locality or threaten the public health, safety or welfare. In this instance, given the close proximity of the property to the B-3 District; the Applicant's modest proposal as to only illuminating the lettering on the sign; and that the proposed use will result in less light than externally lit signs that are producing excessive splash, the Applicant respectfully submits that the essential character of the locality will not be changed or altered by the granting of the variance, and, thus, will not be contrary to the public interest.

2. The spirit of the ordinance is observed.

The Applicant respectfully submits that if the variance is granted, the spirit of the ordinance would be observed as the use in question is suitable, considering the proximity to the B-3 zone, where internally illuminated signage is permitted. Granting the variance would result in an encouragement of the most appropriate use of the land. Section 170-3 of the Dover Zoning Ordinance sets forth the purpose of the zoning ordinance which includes protecting the health, safety, convenience and general welfare of the inhabitant of the City, while still promoting economic development and appropriate uses of the land. The Applicant respectfully submits that the general purposes and intent of the Zoning Ordinance will be maintained and observed to the extent that the signage is permitted to be internally illuminated as proposed by the Applicant.

3. Substantial justice is done.

The guiding rule in determining whether the requirement for substantial justice is satisfied is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. The Board is to look at whether a proposed development is consistent with the area's present use. Due to the property's close proximity to the B-3 zone and considering existing externally illuminated signage, the grant of the variance would result in substantial justice as it would allow the subject property to be utilized in a similar, and reasonable, way in an area where more intense lighting of signage currently occurs. There are no negative aspects of the proposed use that would adversely affect abutters or surrounding neighborhood. Thus, substantial justice would be done by the grant of all the variance.

4. Value of Surrounding Properties Will Not Be Diminished.

It is respectfully submitted that all of the surrounding properties have a value associated with them which is premised upon the existence of the existing levels of illuminated signage located on adjacent properties. In light of the limit imposed upon the internal illumination, where only the lettering on the sign will be illuminated, it is respectfully submitted that the grant of the variance would not result in a diminution of the value of surrounding property values.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

"Unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one. The special conditions of the property are its location abutting commercial uses, the proximity to the B-3 District, and the buffering between the signage and residential uses.

The general purpose of the Dover Zoning Ordinance is to promote the health, safety and general welfare and to encourage the most appropriate land uses in various parts of the City. The Applicant respectfully submits that the restriction that cannot be met by the Applicant with respect

to internally illuminating the sign, is not necessary to enforce in order to protect the purpose of the ordinance given the unique location of the property and buffering from residential uses. To the contrary, by allowing this use, the signage will have a lower luminescence than other externally illuminated signs that produce the splash effect. Thus, there is no conflict between the general public purpose of the ordinance, and enforcing the restrictions for which the Applicant seeks the variance.

ABUTTER LIST

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

Pursuant to RSA 676:7, the State Law of New Hampshire, the City of Dover is required to notify the applicant and every abutter of the public hearing by certified mail. The cost of required publication or posting of notice, and the cost of mailing said notices, shall be paid by the applicant.

"Abutter" is defined in Chapter 170, Dover Zoning Ordinance, as:

The owner of record of a parcel of land located in New Hampshire and adjoins or is directly within **two hundred (200) feet** (including land across the street or waterway) of the proposed site under consideration by the Board.

In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line shall be notified only by first class mail.

PLEASE NOTE: abutter ownership information for lots located in Dover, shall be obtained through the City's Tax Assessment Office.

[illegible]

**ABUTTER LIST
FOR
BSG PROPERTY, LLC
Map 37, Lot 29
800 Central Ave, Dover, NH**

March 31, 2016

MAP/LOT

NAME/ADDRESS

OWNER/APPLICANT:

MAP 37/LOT 29

BSG PROPERTY, LLC
800 CENTRAL AVENUE
DOVER, NH 03820

ABUTTERS:

MAP 37/LOT 1

WENTWORTH DOUGLASS HOSPITAL
789 CENTRAL AVENUE
DOVER, NH 03820

MAP 37/LOT 1-A

WENTWORTH HOME
795 CENTRAL AVENUE
DOVER, NH 03820

MAP 37/LOT 2

WENTWORTH PROFESSIONAL OFFICE
CONDO ASSOCIATION
C/O DR. DAVID STAPLES, PRESIDENT
803 CENTRAL AVENUE
DOVER, NH 03820

MAP 37/LOT 2A

PUBLIC SERVICE CO. OF NH
PO BOX 330
MANCHESTER, NH 03105-0330

MAP 37/LOT 3

NICOLAS & CHRISTIAN KARABELAS
ARTHUR KARABELAS
PO BOX 600243
NEWTON, MA 02460-0003

MAP 37/LOT 26

BRIAN P CASSIDY, SUCCESSOR TRUSTEE
ROSLEA REALTY TRUST
1 WINTER ST PLAZA
ROCHESTER, NH 03867

MAP 37/LOT 26A

FRANCIS CASSIDY
THERESA CASSIDY
1 WINTER STREET, STE 3
ROCHESTER, NH 03867

MAP 37/LOT 27

BRIAN P CASSIDY, SUCCESSOR TRUSTEE
ROSLEA REALTY TRUST
1 WINTER ST PLAZA
ROCHESTER, NH 03867

**ABUTTER LIST
FOR
BSG PROPERTY, LLC
Map 37, Lot 29
800 Central Ave, Dover, NH**

March 31, 2016

Map 37/Lot 28	B-TEAM REALTY, LLC 798 CENTRAL AVENUE DOVER, NH 03820
MAP 37/LOT 30	BHD REALTY LLC C/O DANIEL DUDLEY, PARTNER 25 DEVONSHIRE LANE LONDONDERRY, NH 03053
MAP 37/LOT 31	KONSTANTINOS SAKKAS PANAGIOTA SAKKAS 160 CENTRAL AVENUE DOVER, NH 03820
MAP 37/LOT 32	806 CENTRAL AVENUE, LLC C/O BLACKMAN CHIROPRACTIC 812 CENTRAL AVENUE DOVER, NH 03820
MAP 37/LOT 47	DEV ATMA KHALSA SHARA KHALSA 140 MOUNT VERNON ST DOVER, NH 03820
MAP 37/LOT 48	PAUL D. TYKODI BETH N TYKODI 3 LOWELL AVE DOVER, NH 03820
MAP 37/LOT 52A	KENNETH COSTELLO AMY COSTELLO 4 PAGE AVENUE DOVER, NH 03820
MAP 37/LOT 52B	DEV ATMA KHALSA SHARA KHALSA 6 PAGE AVENUE DOVER, NH 03820
MAP 37/LOT 54	JAMES L. VEINOTE CAROL A VEINOTE 7 PAGE AVENUE DOVER, NH 03820

**ABUTTER LIST
FOR
BSG PROPERTY, LLC
Map 37, Lot 29
800 Central Ave, Dover, NH**

March 31, 2016

MAP 37/LOT 55

TONY G. LAZARUS, TRUSTEE
LAZARUS FAMILY TRUST OF 9 17 2002
5 PAGE AVENUE
DOVER, NH 03820

MAP 37/LOT 56

BENJAMIN GREGORY
ANISSA GREGORY
1 PAGE AVENUE
DOVER, NH 03820

MAP 37/LOT 56A

MICHAEL JEFFREY MALONEY
AMBER LYNN GORTON
3 PAGE AVENUE
DOVER, NH 03820

MAP 37/LOT 57

DANIEL BRIGANDI
ALYSSA BRIGANDI
1 LOWELL AVE
DOVER, NH 03820

MAP 37/LOT 58

ERIC P. LITTLEFIELD
DENISE A. LITTLEFIELD
183 MOUNT VERNON ST
DOVER, NH 03820

MAP 37/LOT 64

SCOTT M GOODMAN
792 CENTRAL AVENUE
DOVER, NH 03820

PROFESSIONALS:
ATTORNEY

FRANCIS X. BRUTON, III, ESQUIRE
BRUTON & BERUBE, PLLC
798 CENTRAL AVENUE
DOVER, NH 03820

BackBay Networks

**Freestanding Sign
Internally Illuminated
Double Sided**

**Illumination Opaque Background (White)
Light comes through letters and logo only
See nighttime example**

Overall: 45.4"w x 38"h
12 sqft

Granite Posts: 7" X 7"



89 Oak St. Dover, NH 03820 • 603.742.1517

Job Description: Freestanding

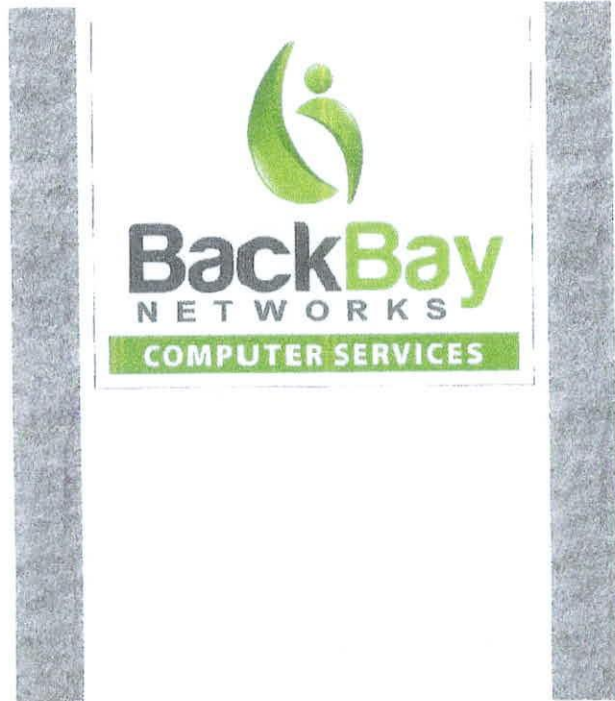
Date: 12.19.15

Proof #: 04

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BackBay Networks

Freestanding Sign - Internally Illuminated



Daytime



Illuminated

Overall: 45.4"w x 38"h
Granite Posts: 7" X 7"

Illumination Opaque Background (White)
Light comes through letters and logo only
See nighttime example



89 Oak St. Dover, NH 03820 • 603.742.1517

Job Description: Freestanding

Date: 12.19.15

Proof #: 04

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BackBay Networks

Freestanding Sign - Internally Illuminated



Overall: 45.4" w x 38" h
Granite Posts: 7" X 7"



89 Oak St. Dover, NH 03820 • 603.742.1517

Job Description: Freestanding

Date: 12.19.15

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Blackman
Chiropractic

Therapeutic Massage
&
Nutrition Center

ACCEPTING NEW PATIENTS

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Image*
ELECTROLYSIS

PERMANENT
HAIR REMOVAL
742-7442

