

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, May 19, 2016**
Meeting Time: **7:00 pm**

1. ATTENDANCE

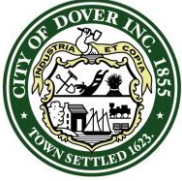
2. APPROVAL OF MEETING MINUTES OF APRIL 21, 2016

3. HEARINGS

- A. Z16-05 Applicant Peter Strachan and Owners Jean-Jacques and Monique Lassere, 125 Spur Road (Tax Map L, Lot 29), located in the Low Density Residential (R-20) District, requests a variance from **Section 170-12.B** of the Zoning Ordinance to permit a front setback of 145 feet where a build-to line of 20 feet minimum and 35 feet maximum is required.
- B. Z16-06 Owner Arthur & Mary Dubois Irrevocable Trust, 283 Dover Point Road (Tax Map L, Lot 48-A), located in the Low Density Residential (R-20) District, requests two variances from **Section 170-12.B** to permit a two-lot subdivision with 1) a lot frontage of 35 feet where a minimum of 125 feet is required and 2) an unspecified building setback where a build-to line of 20 feet minimum and 35 maximum is required.
- C. Z16-07 Owner STF Development Corp., 20 Lika Drive (Tax Map E, Lot 45-3), located in the Rural Residential (R-40) District, requests an equitable waiver per **Section 170-52.C(d)** from the dimensional requirements of the approved Open Space Subdivision (P05-71), specifically where a side setback of 20 feet is required but 16.1 feet exists.

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, April 21, 2016**
Meeting Time: **7:00 pm**

1. ATTENDANCE

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

Members Not Present: George Reagan (Alternate)

Staff Present: Elena Piekut (Assistant City Planner), Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:01 p.m.

The Chair stated item 3.B would not be heard because it was withdrawn by the applicant.

2. APPROVAL OF MEETING MINUTES OF FEBRUARY 18, 2016

Motion: O.Perry made a motion to approve the February 18, 2016 Regular Meeting Minutes as amended. Seconded by R.Hall. Vote U/A

C.Prior stated a correction was needed to the attendance of the February 18, 2016 Regular Meeting Minutes because he was absent at the previous meeting.

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.

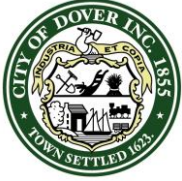
Christopher Berry, Berry Surveying & Engineering, displayed the plans for viewing, and presented the proposed plan. Robert Baldwin, Knox Marsh Development, LLC was also present.

C.Berry answered questions from B.Hall and C.Prior regarding the intent of the existing building to remove the right to convert to a duplex in exchange for the variance approval. He explained the lot sizes, frontage, and the zoning changes regarding the build to lines. He further explained the reason for the single family home to conform to the surrounding community and the property values. He confirmed both lots would have City water and sewer.

Public hearing opened.

Robert Dubois, 11 Chandler Way, stated his concerns regarding the proximity of the new lot to his property, and requested an arborvitae barrier placed between his property and the new property for privacy. He explained the hardship for him to put up the barrier due to the water/sewer City easement on his property. He further stated he does not want a fence. C.Prior confirmed R.Dubois did not speak to the applicant about his request.

C.Berry stated his willingness to work with R.Dubois regarding the privacy barrier. Discussion ensued regarding the distance of the placement of the plantings, and the setbacks and regulations for the homeowners. The Board members agreed to have screening as a condition.



**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, April 21, 2016**
Meeting Time: **7:00 pm**

STAFF 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.

O.Perry suggested the Planning Board determine screening as part of the condition.

Public hearing closed.

Motion: O.Perry made a motion to grant the variance with the following conditions:

1. The existing house shall be served by public water and sewer.
2. The existing house shall never be converted to a duplex.
3. Vegetative screening shall be erected on the subject property between the neighboring property at 11 Chandler Way, subject to Site Review approval.

Seconded by F.Landford. Vote U/A

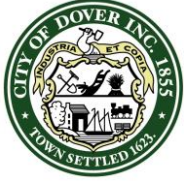
- B. Z16-04 Owner BSG Property, LLC, 800 Central Avenue (Tax Map 37, Lot 29), located in the Office (O) Zoning District, requests a variance from **Section 170-32.H(1)** of the Zoning Ordinance to permit an internally illuminated sign where only indirect, shielded lighting is permitted.

This item was withdrawn by the applicant.

Discussion ensued regarding the time frame of notice to abutters. E.Piekut stated the Rules of Procedure were changed in 2015 to require notice 10 days prior to the public hearing and that this is now the Planning Department practice.

4. ADJOURN

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



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, May 19, 2016
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance from the front build-to line in the R-20 District, proposing a front setback of 145 feet where a maximum build-to line of 35 feet is permitted.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-A

ZONING DISTRICT: R-20

FILE: Z16-05

APPLICANT: Peter Strachan

OWNERS: Jean-Jacques and Monique Lassere

LOCATION: 125 Spur Road (Tax Map L, Lot 29)

ACREAGE: 0.44 acre (19,117 square feet)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwelling

SURROUNDING LAND USE: Single-family dwellings, Spaulding Turnpike

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: Yes, for Conditional Use Permit per 170-27

ATTACHMENTS: Application

STAFF RECOMMENDATION: Staff recommends approval of the variance request.

Summary of Appeal and Background

125 Spur Road is located between the Spaulding Turnpike and Bellamy River. An existing dwelling in poor condition is located partially within the 50-foot Wetland Protection District buffer and entirely within 100-foot Conservation District. It is nonconforming to the front build-to line.

The Applicant wishes to demolish the existing structure and rebuild on its footprint, while repairing and raising the foundation. The Applicant requests a variance from the front build-to line. The Applicant also intends to construct a detached garage with second-floor accessory dwelling unit, which meets the dimensional regulations of the R-20 District.

Reason for Staff Recommendation

Planning Department staff and the Building Official visited the site on April 11, 2016. The Architect and Engineer have demonstrated that the house and its foundation are damaged. Typically, a nonconforming structure may not be replaced if its first floor exterior walls have been intentionally destroyed. The Applicant seeks a variance from the front-build to line, as well as a Conditional Use Permit approval from the Planning Board.

The proposed use is a reasonable one, and has been in place since 1967. Maintaining the 145-foot setback does not have a negative impact on property values as it is the existing condition, does substantial justice, and is very consistent with the existing setbacks in the immediate neighborhood.

With the proposed condition, the variance would only be granted if the Planning Board (following advisory input from the Conservation Commission) approves a Conditional Use Permit to rebuild in the Conservation District and Wetland Protection District buffer. Although a variance from the build-to line requirement of the R-20 Zoning District must be considered separately from concern for the Conservation and Wetland Protection Districts, this condition ensures that the overall spirit and intent of the ordinance is observed. If the Planning Board does not approve the Conditional Use Permit, the variance is not granted, and the Applicant is left with two options: renovate the existing structure without destroying its exterior walls, or build a new structure at the build-to line. The former requires them to maintain a structure in poor condition and significantly increases the difficulty of raising the finished floor elevation, while the latter would clearly result in greater disturbance to the soil and existing vegetation, including mature trees.

Recommendation

The Planning Department recommends that the Board grant the variance with the following condition:

1. Conditional Use Permit approval for construction within the Conservation District and Wetland Protection District buffer is required.

**Property Information**

Property ID L0029-000000
Location 125 SPUR RD
Owner LASSERRE JEAN-JACQUES &



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.

20 M
+/- 60'



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only	Case #:	<u>216-05</u>	Date Received:	<u>APR 27 2016</u>
	Amount Paid:	\$ <u>244.00</u> <u>ck # 6295</u>	Time Received:	<u>Dover, New Hampshire</u>

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Peter Strachan Phone # 603-233-9876

Address of Applicant: 670 Long John Rd., Rye, NH 03870

E-Mail Address: pbstrachan@yahoo.com

PROPERTY OWNER (if different from applicant): Jean-Jacques Lasserre

Address: 16 Clos Perrault, 91200 Athis-Mons, France Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 125 Spur Rd.

Brief Directions: _____

Zoning District: R-20 Assessor's Map # L Lot(s) # 29

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-12.B</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:

1. Rebuild the Residence on the Existing Foundation. Foundations will be repaired & raised to provide further protection in the Flood Zone.
2. New detached Garage with Accessory Dwelling Unit on 2nd Floor.

YOUR RECEIPT

THANK YOU

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

04/27/2016 12:47PM 01
000000#1799 Glidden

COPY

#1605
#6295

Variance 1 @ \$100.00
\$100.00
8 @ \$8.00
Certified Mail \$64.00
1 @ \$80.00
Legal Notice \$80.00

ITEMS 10Q
CHECK \$244.00

APPLICATION CHECKLIST (Please check off)

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

es of Completed Zoning Board of Adjustment Application

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

s of a plot plan drawn in accordance with a boundary line to scale
han 1" = 40'. They need to include the lot dimensions including area in
et, and also the size and location of existing and proposed buildings if
e, including setbacks.

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).

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

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.

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

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 SPECIAL EXCEPTION

\$100.00 APPEAL FROM ADMINISTRATIVE DECISION

\$100.00 EQUITABLE WAIVER

2. Certified letters fee: # of abutters 6 X \$8.00 =

3. Applicant & Owner mailing fee: 2 X \$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

\$ 100.-

\$ _____

\$ _____

\$ _____

\$ 48.-

\$ 16

\$ _____

\$ 80.00

TOTAL FEE \$ 244.-

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-12.B of the Zoning Ordinance to permit:

A Variance from Section 170-12.B of the Zoning Ordinance, to permit a Front Setback of 175 feet, where a Build-to Line of 20 feet minimum and 35 feet maximum is required.

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:

Residence has been in this location since being built in 1967.

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

Building location is not changing and most of the neighboring properties have similar front setbacks to the residences.

3. Granting the variance would do substantial justice because:

The Variance will allow reuse of the existing Foundation and by raising the Foundation wall height will improve the walk-out Basement elevation in the Flood Zone.

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

The Existing Residence is in very poor condition. The rebuilt Residence will improve the appearance of this property without changing the footprint, which should have a positive affect on surrounding property values.

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:

This property is similar to other properties in this area, in that four of the six abutters have greater than 35' setback to the Residence.
Most of the properties along this section of Spur Rd. are non-conforming to the Build-to Line Ordinance.

The property is very narrow at the front line and the driveway is a right of way that intersects with the 35' Build to Line. It would be a hardship to this property to have a front setback at 35' maximum.

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:

The current Residence exists beyond the 35 foot maximum required by the Ordinance.
Rebuilding on the existing foundation will require a Conditional Use Permit (CUP) from both the Conservation Commission & Wetlands Board.
Approval of the CUP will be a condition of this Variance. If the CUP for rebuilding the Residence is denied, the Residence will be renovated and a Variance for that work will not be needed.

and

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

The Residence at 125 Spur Rd. has been an existing use since 1967.

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:

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.

P.B. Lee Chan

Signature of Applicant*

SRR ATTACHED LETTER

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: SRR ATTACHED LETTER Date: 7/25/16

8 February, 2016

To Whom It May Concern

RE: Land Use Planning Applications for proposed site improvements located at 125 Spur Road, Dover, NH., Tax Map L, Lot 29, for Jean-Jacques Lasserre & Monique Lasserre.

This letter is to inform the New Hampshire DES and the City of Dover in accordance with State Law that the following entities:

Ambit Engineering, Inc.
Peter Strachan
Anne Whitney

Is individually authorized to represent us as our agent in the approval process.
Please feel free to call me if there is any question regarding this authorization.
Sincerely,

Jean-Jacques & Monique Lasserre
16 Clos Perrault
91200 Athis-Mons
France

Jean-Jacques Lasserre
and/or assigns

02/11/2016
07:58 PM GMT

**Property Information**

Property ID L0029-000000
Location 125 SPUR RD
Owner LASSERRE JEAN-JACQUES &



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

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20 M
+/- 60'



Front & Left Side Elevations



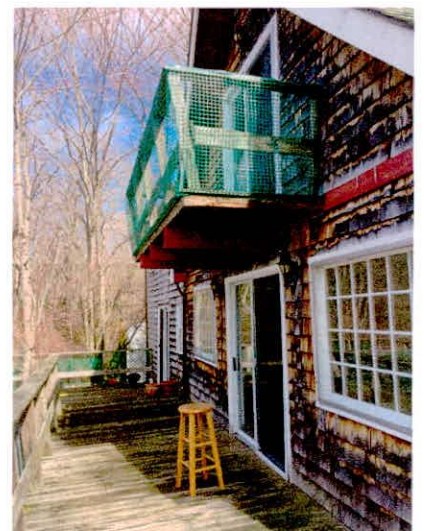
Rear Elevation at Lower Deck



Grade at Basement Door



Rear Elevation



125 Spur Road

[illegible]

IMPERVIOUS SURFACE AREAS 125 SPUR ROAD (TO PROPERTY LINE)		
STRUCTURE	EXISTING IMPERVIOUS (S.F.)	PROPOSED IMPERVIOUS (S.F.)
MAIN STRUCTURE	1,187	1,187
DECK	656	656
CONCRETE PADS	10	10
SHED	23	0
STAIRS	18	11
OPEN PORCH	0	76
GARAGE	0	780
BALCONY	0	144
COVERED WALKWAY	0	189
PAVED/STONE WALKS	180	46
PAVED DRIVE	686	0
GRAVEL DRIVE	1,711	0
TOTAL	4,471	3,100
LOT SIZE	19,117	19,117
% LOT COVERAGE	23.4%	16.2%

TIDAL BUFFER ZONE IMPACT TABLE		
STRUCTURE	TEMPORARY	PERMANENT
MAIN STRUCTURE	1,187	0
DECK	656	0
CONCRETE PADS	10	0
STAIRS	18	0
OPEN PORCH	0	76
GARAGE	0	392
SHED	23	0
BALCONY	0	144
COVERED WALKWAY	0	189
PERVIOUS PAVERS	0	632
PAVED/STONE WALKS	544	0
GRAVEL DRIVE	17	0
TOTAL	2,454	1,433

CSPA AREA IMPACT TABLE		
STRUCTURE	TEMPORARY	PERMANENT
GARAGE	0	388
GRAVEL/PAVED DRIVE	2020	0
PERVIOUS PAVERS	0	473
TOTAL	2,020	861

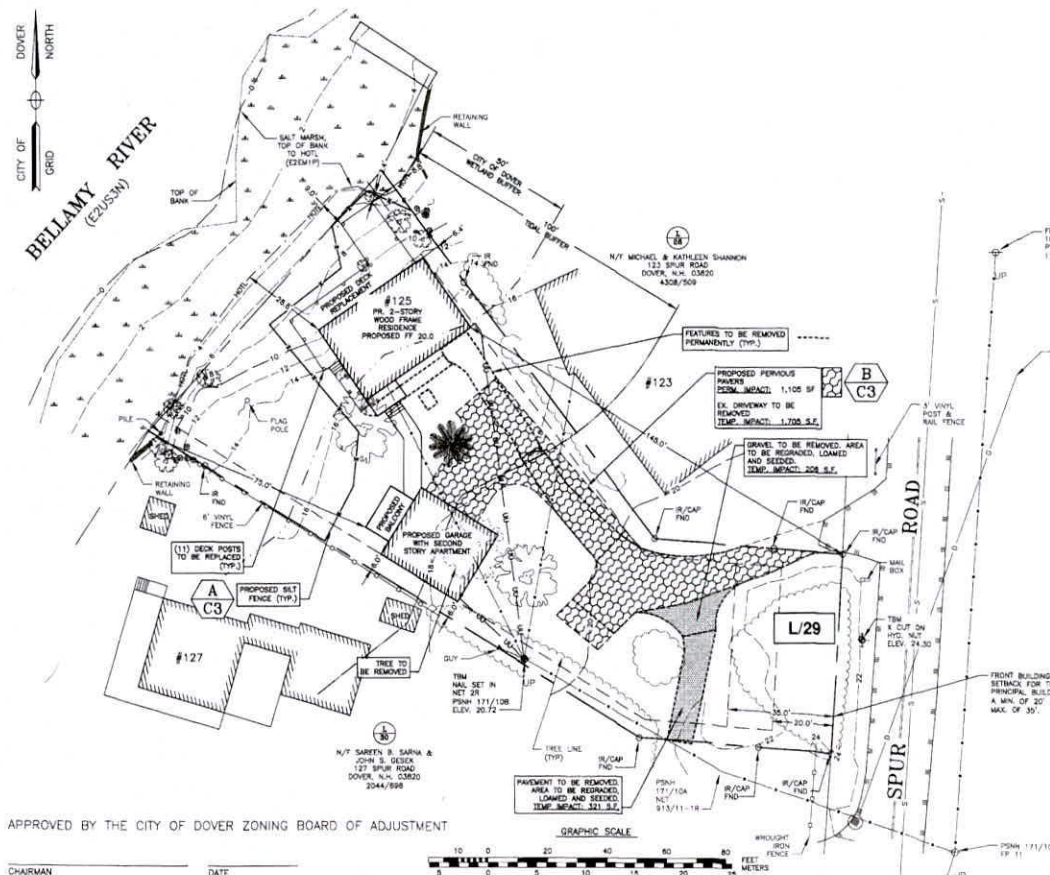
CITY OF DOVER VARIANCE REQUEST TABLE		
NO.	VARIANCE REQUEST	SECTION
1	PROPOSED FRONT SETBACK OF 145' WHERE 20' MINIMUM AND 35' MAXIMUM IS REQUIRED	170-12.8

CONSTRUCTION SEQUENCE

- DO NOT BEGIN CONSTRUCTION UNTIL ALL LOCAL, STATE AND FEDERAL PERMITS HAVE BEEN APPLIED FOR AND RECEIVED.
- INSTALL SILT/SOXX TO CONTROL EROSION AND SEDIMENTATION PRIOR TO ANY EARTH MOVING ACTIVITIES.
- CONSTRUCT STABILIZED CONSTRUCTION ENTRANCE.
- CUT AND REMOVE ALL TREES, SHRUBS, SAPLINGS, BRUSH, VINES AND OTHER DEBRIS AND RUBBISH AS REQUIRED.
- STRIP AND STOCKPILE LOAM FROM SITE. STOCKPILES SHALL BE SURROUNDED WITH SILT FENCE TO CONTROL SEDIMENT RUN OFF.
- INSTALL AND MAINTAIN EROSION CONTROL DEVICES AS SHOWN ON THE PLANS.
- CONSTRUCT SITE IMPROVEMENTS.
- LOAM AND SEED DISTURBED AREAS IN ACCORDANCE WITH VEGETATIVE PRACTICE AND GENERAL CONSTRUCTION NOTES. CUT AND FILL SLOPES SHALL BE SEEDDED IMMEDIATELY AFTER THEIR CONSTRUCTION.
- PLANT LANDSCAPING.
- REMOVE TRAPPED SEDIMENTS FROM COLLECTION DEVICES AS APPROPRIATE, AND THEN REMOVE TEMPORARY EROSION CONTROL MEASURES.



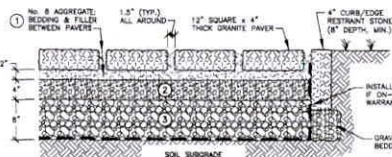
- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF DOVER ASSESSOR'S MAP L AS LOT 29.
 - OWNERS OF RECORD: JEAN-JACQUES & MONIQUE LASSERRE, 18 CLOS PERAULT, 91200 ATHIS-MONS ESSONNE FRANCE, 1944/758.
 - APPLICANT: PETER STRACHAN, 870 LONG 20th ROAD, RYE, N.H. 03870.
 - EXISTING LOT AREA: 19,117.4 S.F. = 0.444 AC.
 - PARCEL IS LOCATED IN THE LOW DENSITY RESIDENTIAL (R-20) DISTRICT AND THE RIVERFRONT RESIDENTIAL OVERLAY.
 - DIMENSIONAL REQUIREMENTS: MIN. LOT AREA: 20,000 S.F.; FRONTAGE: 125 FT.; FRONT: 20 - 35 FEET*; SIDE: 8 FEET*; REAR: 30 FEET*; ACCESSORY BLDG.: FRONT: 5' SIDE: 8' REAR: 10'.
 - MAX. LOT COVERAGE: 30%.
 - *NON-CONFORMING LOT, DOVER SECTION 170-14.
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE INFORMATION FOR A PROPOSED VARIANCE ON LOT 129 MAP L OF THE CITY OF DOVER ASSESSOR'S MAPS.
 - HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 2/10/2016 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, NORTH-CENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 7.0, USDA-NRCS, 2010 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 3.1, NEWFPC WETLANDS WORK GROUP (APRIL 2004).
 - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1), USFWS (MAY 1988).
 - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES, USFWS MANUAL FWS/OBS-79/31 (1997).
 - VERTICAL DATUM NAVD83 BASIS OF VERTICAL DATUM CITY OF DOVER BENCHMARK 179.1, CONVERTED FROM NGVD29 USING VERTCON.
 - PARCEL IS IN A FLOOD HAZARD ZONES AE AND X AS SHOWN ON FIRM PANEL 33017C0340E, REVISED SEPTEMBER 30, 2015.



A C3 FILTERXX® SILT/SOXX™ FILTRATION SYSTEM

ASTM D 448 GRADATION TABLE			
ASTM No. 8 BEDDING & JOINT FILLER		ASTM No. 57 STONE OPEN GRADED BASE	
SEIVE SIZE	PASSING BY WEIGHT (%)	SEIVE SIZE	PASSING BY WEIGHT (%)
1/2" (12.5mm)	100	1.5" (37.5mm)	100
3/8" (9.5mm)	85-100	3/4" (19mm)	85-100
No. 4 (4.75mm)	10-30	1 1/2" (38mm)	25-80
No. 8 (2.36mm)	0-10	No. 4 (4.75mm)	0-10
No. 16 (1.18mm)	0-5	No. 8 (2.36mm)	0-5

- NOTES:**
- PAVING SYSTEM BASE DESIGN IS SIMILAR TO BASE REQUIRED FOR THE LANE EOD-STONE PAVING. INSTALLATION SHALL FOLLOW MANUFACTURER'S INSTRUCTIONS FOR PLACEMENT OF BASE MATERIALS.
 - ALL STONE SHALL BE ANGULAR, WITH ROUGH FRACTURED FACES. STONE SHALL BE WASHED WITH LESS THAN 1% PASSING THE 200 SEIVE.
 - CONTRACTOR SHALL SUBMIT SEIVE ANALYSIS FOR EACH COURSE MATERIAL TO PROJECT ENGINEER FOR APPROVAL PRIOR TO PLACEMENT.



B C3 POROUS PAVEMENT SECTION

12" SQUARE GRANITE PAVERS OR APPROVED EQUAL

RECEIVED
Planning Office

SCALE: 1" = 20' APRIL 2016

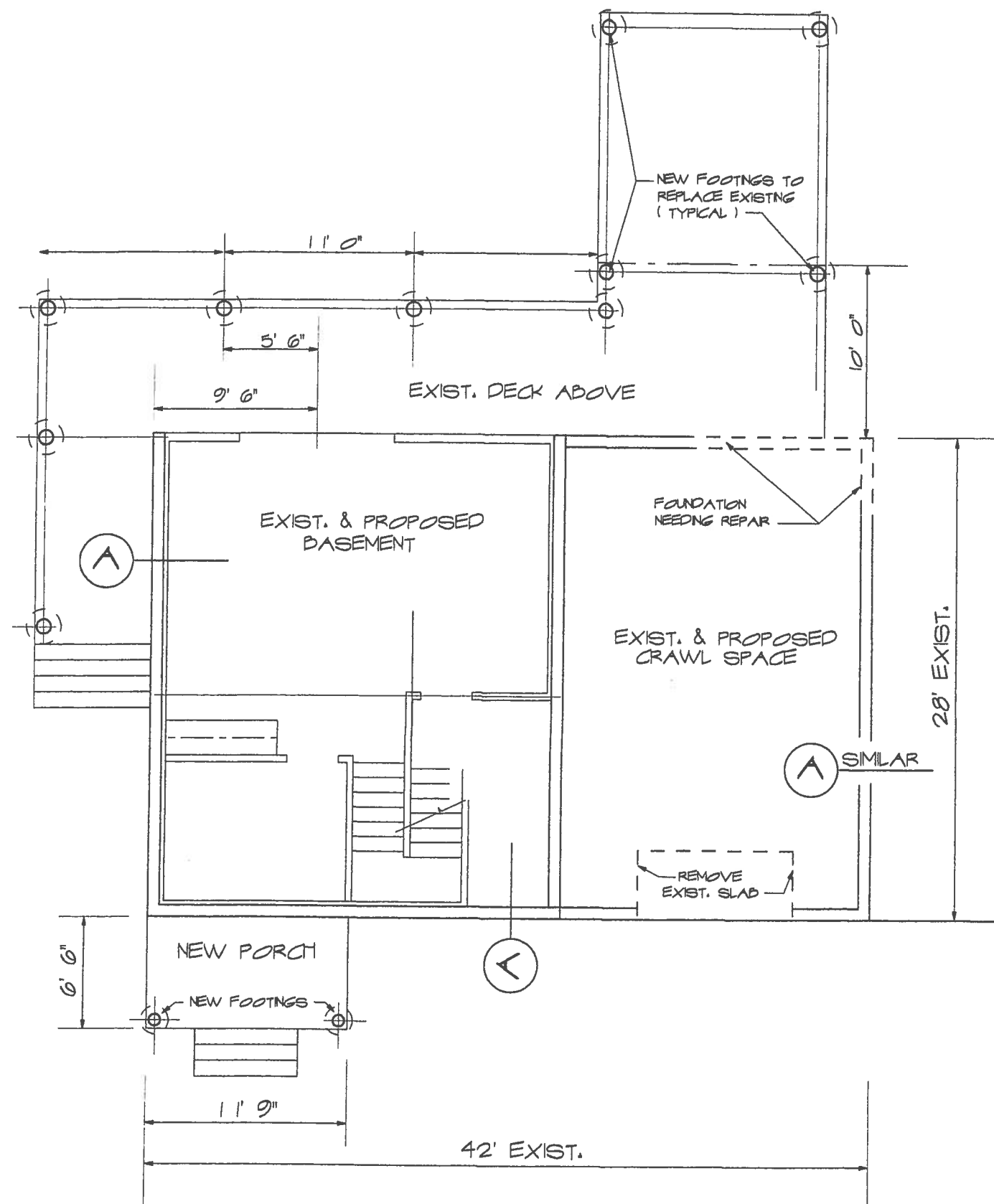
VARIANCE PLAN

C3

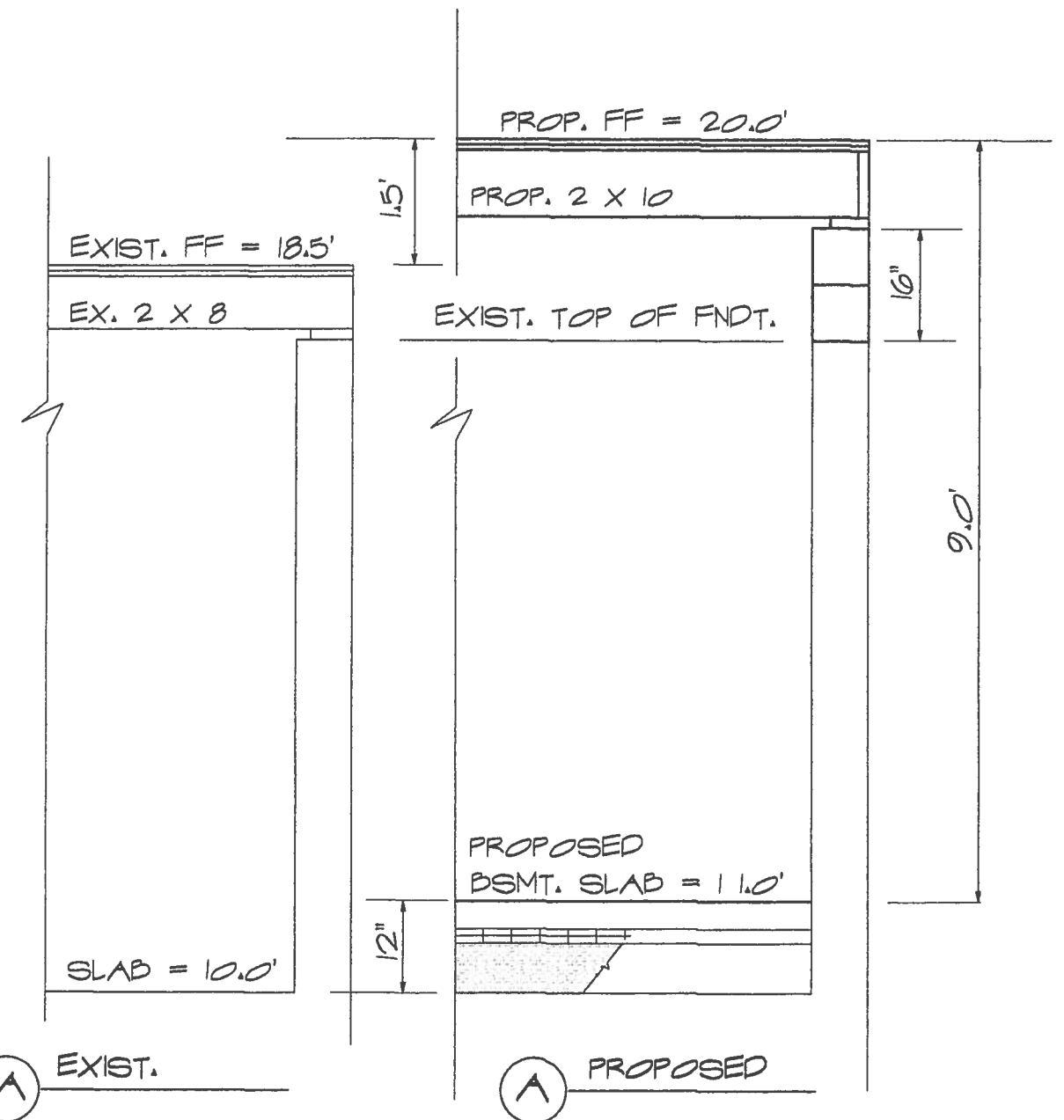
FB 318 PG 1 DOVER FILE NO. 2541

APR 27 2016

Dover, New Hampshire



PROPOSED FOUNDATION & FOOTING PLAN
SCALE: 1/8" = 1'-0"



EXISTING & PROPOSED FOUNDATION SECTIONS
SCALE: 1/2" = 1'-0"

FOUNDATION PLAN STRACHAN RESIDENCE 125 SPUR ROAD DOVER, NH	9 Sheafe Street Portsmouth NH 03801 603-427-2832	ANNE WHITNEY ARCHITECT	Project: #1603	Date: 4/26/16
			Revisions:	



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, May 19, 2016
Meeting Time:	7:00 pm

INTENT: The Applicant requests variances from the minimum lot frontage and build-to line requirements of the R-20 zoning district in order to subdivide one lot into two.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-B

ZONING DISTRICT: R-20

FILE: Z16-06

APPLICANT: Arthur & Mary Dubois

OWNERS: Arthur & Mary Dubois

LOCATION: 283 Dover Point Road
(Tax Map L, Lot 48-A)

ACREAGE: 3.3 acres (143,748 square feet)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwellings

SURROUNDING LAND USE:
Single-family dwellings, Spaulding Turnpike

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: Yes, for Minor Subdivision

ATTACHMENTS: Application

STAFF RECOMMENDATION: Staff recommends denial of the variance requests.

Summary of Appeal and Background

The subject property is located on the west side of Dover Point Road, between Pearson Drive and Pineview Drive. The 3.3 acre lot has 160 feet of frontage on Dover Point Road and abuts the Spaulding Turnpike at the rear.

The Applicant requests a variance from the 125-foot minimum lot frontage requirement of the R-20 zoning district. The applicant proposes one conforming lot (with the existing 1945 house) and one lot with 35 feet of frontage. This configuration necessitates a second variance, to permit an unspecified front setback where a build-to line of 20 feet minimum, 35 feet maximum is required.

Reason for Staff Recommendation

The proposed configuration represents a significant deviation from the required dimensions. While other lots in the neighborhood are nonconforming to the minimum lot frontage, none are close to 35 feet. The Board recently granted a variance to create a lot without the required frontage on Pineview Drive—but it was a much smaller difference, at 92 feet where 125 feet is required. The smallest lot frontage in the area (a City-owned lot 400 feet to the south) is approximately 60 feet.

Importantly, granting the minimum frontage variance would create a new hardship because the 35-foot width prevents a structure from being located at the build-to line. The “flag lot” configuration requires a second variance to permit a setback of more than 250 feet. Staff opinion is that no unnecessary hardship is demonstrated and that there are other options available to create an organized subdivision that better meets the spirit and intent of the ordinance.

Recommendation

The Planning Department recommends that the Board deny the variance requests.

**Property Information**

Property ID L0048-A00000
Location 283 DOVER POINT RD
Owner DUBOIS ARTHUR & MARY IRREV TRUST



**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 #:

216-06

Date Received:

APR 28 2016

Amount Paid:

\$ 380.00
ck # 2244

Time Received:

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Arthur & Mary Dubois Revocable Trust Phone # 742-4900

Address of Applicant: 283 Dover Point Road, Dover, NH 03820

E-Mail Address: _____

PROPERTY OWNER (if different from applicant): Same

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 283 Dover Point Road

Brief Directions: Between Pearson Drive and Pineview Drive

Zoning District: R-20 Assessor's Map # L Lot(s) # 48A

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-12.A</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:

To subdivide this 3.3 acre parcel into 2 lots. The existing residence would be located on 0.7 acres with 125 feet of road frontage and would comply with all zoning requirements. The other lot would contain 2.6 acres, but would have frontage of 35 feet.

YOUR RECEIPT THANK YOU

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

05/02/2016 2:40PM 01
000000#1805 Glidden

COPY

#1606

Variance 1 @ \$100.00 \$100.00

25 @ \$8.00

Certified Mail \$200.00

1 @ \$80.00

Legal Notice \$80.00

#2244

ITEMS 270
CHECK \$380.00

APPLICATION CHECKLIST (Please check off)

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

Copies of Completed Zoning Board of Adjustment Application

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

Requirements of a plot plan drawn in accordance with a boundary line to scale of not less than 1" = 40'. They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if any, including setbacks.

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).

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

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.

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

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 23 X \$8.00 =

\$ 184.00

3. Applicant & Owner mailing fee: 2 X \$8.00 =

\$ 16.00

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 \$ 380.00

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-12.A of the Zoning Ordinance to permit:

The subdivision of this 3.3 acre lot into two lots. One lot would contain 0.7 acres with road frontage of 125 feet and would comply with zoning requirements. The second lot would have 2.6 acres, but would have frontage of 35 feet. The residence on the new lot would be more than 35 feet from Dover Point Road. A variance is needed for the frontage and for the building set back.

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:

The public interest is affected if the proposed variances would constitute a fundamental change in the neighborhood or if there would be a substantial impact on health or safety. The new lot is located between Pearson Drive and Pineview Drive, both of which extend westerly from Dover Point Road. The 35 feet of frontage is sufficient for a single driveway. The location of a residence on the new lot would be located in a similar position relative to Dover Point Road as existing homes on Pearson and Pineview. The new lot is heavily wooded which will provide screening for a new residence.

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

The spirit of the ordinance is to provide for adequate spacing between dwellings and to promote consistency within a neighborhood. Although the new lot would have 35 feet of frontage where 125 is required, the location where a new residence would be constructed is 160 feet wide and there will be sufficient spacing between a new residence and the homes on adjacent lots. The new residence would be located a similar distance from Dover Point Road as existing homes on Pearson Drive and Pineview Drive.

3. Granting the variance would do substantial justice because:

The existing lot contains 3.3 acres, which is substantially larger than what zoning requires, and is substantially larger than most of the lots in this neighborhood. A residence to be built on the new lot would have ample spacing from adjacent homes. Granting the 2 requested variances will allow use of this large lot. The variances will allow reasonable use of this land.

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

Each of the proposed lots will be larger than what zoning requires. The lot for the existing home will meet all zoning requirements. The new lot will be five times larger than zoning requires. The new lot is heavily wooded which will help to screen a new residence on that lot. The location of the new residence will be in a location relative to Dover Point Road which is similar to other homes in the neighborhood. The proposed residential use is consistent with other properties in the neighborhood.

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:

This existing lot is larger than most of the lots in this neighborhood. The configuration of the lot precludes locating a second residence within the "build to" provisions of the zoning ordinance. The dimensions of the lot make the proposed design the most suitable for this property.

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:

The general purpose of the ordinance is to provide for adequate spacing between dwellings and to promote consistency within a neighborhood. The lot is much larger than most of the other lots in the neighborhood. The dimensions of the existing lot prevent its development unless a variance is granted for frontage. A new residence cannot be located within 35 feet of Dover Point Road, but the new residence would have a similar location relative to Dover Point Road as other homes in the neighborhood.

and

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

It allows a reasonable use of this over-size lot to cause it to be more consistent with existing development in the neighborhood.

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:

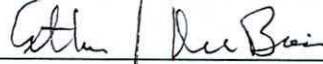
SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

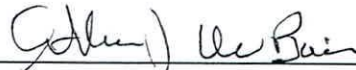
I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

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*



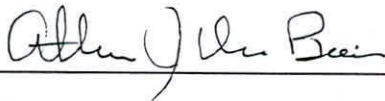
Signature of Owner*

*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:

4/27/16

PEARSON DRIVE

DOVER POINT ROAD

PINEVIEW DRIVE

SPAULDING TURNPIKE

TOLLBOOTH

NOTES

- OWNER OF RECORD:
ARTHUR J. DUBOIS AND MARY C. DUBOIS IRREVOCABLE TRUST
283 DOVER POINT ROAD
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOL. 2945, PAGE 283
- DENOTES TAX MAP AND PARCEL NUMBER.
- ZONING DISTRICT IS R-20 (LOW DENSITY RESIDENTIAL DISTRICT)
- ZONING DIMENSIONAL AND DENSITY REQUIREMENTS:
MINIMUM LOT SIZE = 20,000 S.F.
MINIMUM FRONTAGE = 125 FEET
BUILDING SETBACK REQUIREMENTS:
FRONT = 20 FEET
REAR = 30 FEET
SIDE (ABUT A LOT) = 20 FEET
SIDE (ABUT A STREET) = 20 FEET
MAXIMUM LOT COVERAGE = 30 PERCENT
MAXIMUM BUILDING HEIGHT = 35 FEET
- THIS PLAN IS DERIVED FROM THE CITY OF DOVER TAX MAPS AND DEED INFORMATION. DIMENSIONS AND AREAS ARE APPROXIMATE.
- OVERALL LOT AREA IS 3.3 AC.±

SKETCH PLAN
PREPARED FOR
ARTHUR DUBOIS
TAX MAP L, LOT No. 48A
283 DOVER POINT ROAD
CITY OF DOVER
COUNTY OF STRAFFORD
STATE OF NEW HAMPSHIRE

DRAWN BY: KJP FILE: VR CP 2113/18-2133 TM
SCALE: 1" = 50' DATE: APRIL 2018



M Mcganeay
S survey
A associates, inc.

P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING

NO.	DATE	DESCRIPTION	BY	CHK
REVISIONS				
18-2113		SKETCH	-	-
PROJECT NO.		TYPE	FIELDBOOK & PAGES	

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:

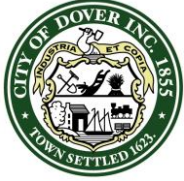
The owner of record of a parcel of land located in New Hampshire and adjoins or is directly within **two hundred (200) feet** (including land across the street or waterway) of the proposed site under consideration by the Board.

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]

Surveyor	McEneaney Survey Associates, Inc.		24 Chestnut Street	Dover	NH	03820
L / 48A	Arthur & Mary Dubois Revocable Trust		283 Dover Point Road	Dover	NH	03820
L / 47	Pamela Silver-McAdam Revocable Trust		14 Pearson Drive	Dover	NH	03820
L / 46	Susan & Laurent Daudelin		2 Pearson Drive	Dover	NH	03820
L / 46H	Francis J. & Catherine L. Giordano		4 Pearson Drive	Dover	NH	03820
L / 46E	Pamela Silver-McAdam Revocable Trust		14 Pearson Drive	Dover	NH	03820
L / 46J	Paul M. & Lynn Allen		8 Pearson Drive	Dover	NH	03820
L / 46L	Linn A. & Nina L. Opderbecke		10 Pearson Drive	Dover	NH	03820
L / 46S	Linda J. Carroll		12 Pearson Drive	Dover	NH	03820
L / 46N	Las Nominee Trust	Leonard A. & Pamela Silver, Trustees	14 Pearson Drive	Dover	NH	03820
L / 46P	Dimambro Family Trust	Henry & Kathy L. Dimambro, Trustees	16 Pearson Drive	Dover	NH	03820
L / 46M	Daniel Twombly		P.O. Box 1	Hampton Falls	NH	03844
L / 48C	Harry T. & Karen J. Brown		285 Dover Point Road	Dover	NH	03820
L / 48	Gregory & Suzanne A. Lull		289 Dover Point Road	Dover	NH	03820
L / 48F	Michael F. Garofano		P.O. Box 4	Greenland	NH	03840
L / 48H	Brian Beaulieu		5 Pineview Drive	Dover	NH	03820
L / 48O	Arthur A. & Marlene B. Ford		7 Pineview Drive	Dover	NH	03820
L / 48J	John T. & Darlene G. Russell		9 Pineview Drive	Dover	NH	03820
L / 48N	Fernan J. & Molly M. Sweeney		11 Pineview Drive	Dover	NH	03820
L / 107	Angel Goddess Trust	Kelsi McCarthy, Trustee	288 Dover Point Road	Dover	NH	03820
L / 105	Jerome E. Enot		286 Dover Point Road	Dover	NH	03820
L / 105C	Joseph Signorello Testamentary Trust	Joseph Signorello, Jr., Trustee	284 Dover Point Road	Dover	NH	03820
L / 105A	Masi Denison		P.O. Box 2023	Dover	NH	03821
L / 104	Stanley W. & Eveline C. Elkerton		278 Dover Point Road	Dover	NH	03878
Turnpike	State of New Hampshire - DOT	John O. Morton Building	7 Hazen Drive	Concord	NH	03301



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, May 19, 2016
Meeting Time:	7:00 pm

INTENT: The Applicant requests an equitable waiver for an accidental encroachment upon the side yard setback.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-C

ZONING DISTRICT: R-20

FILE: Z16-07

APPLICANT: STF Development Corp.

OWNERS: STF Development Corp.

LOCATION: 20 Lika Drive (Tax Map E, Lot 45-3)

ACREAGE: 0.7 acre (29,521 square feet)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwelling

SURROUNDING LAND USE: Single-family dwellings

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application

STAFF RECOMMENDATION: Staff does not oppose the waiver.

Summary of Appeal and Background

The subject property is located in the three-lot Lika Drive open space subdivision (P05-71) off of Tolend Road. The lot has been subject to two approved lot line adjustments (P14-75 and P14-76) since subdivision approval.

The house at 20 Lika Drive is currently under construction and has not yet been issued a certificate of occupancy. It encroaches upon the side yard setback by 3.9 feet.

Reason for Staff Recommendation

The Applicant has been unable to record the lot as adjusted by the Planning Board in case P14-76, which was approved in July of 2014. Recording the lot as adjusted would “cure” the encroachment into the side yard setback. According to past meeting minutes, the Applicant believed the side yard setback to be 15 feet rather than the required 20 feet. The Applicant seeks an equitable waiver.

See RSA 674:33-a for detailed equitable waiver criteria.

Recommendation

The Planning Department does not oppose the waiver.



Property Information

Property ID E0045-003000
Location 20 LIKA DR
Owner STF DEVELOPMENT CORP



**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>216-07</u>	Date Received:	<u>APR 28 2016</u>
	Amount Paid:	<u>\$ 252.00</u>	Time Received:	<u>Dover, New Hampshire</u>
		<u>067-7067</u>		

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: STF Development Corp. Phone # (603)742-2121

Address of Applicant: 242 Central Ave., Dover, NH 03820

E-Mail Address: dave@centralfallsrealty.com / David Paolini

PROPERTY OWNER (if different from applicant): Same

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 20 Lika Drive, Dover, NH 03820

Brief Directions: Lika Drive is off of Tolend Road in Dover, NH

Zoning District: R-40 Assessor's Map # E Lot(s) # 45-3

TYPE OF APPEAL: (Please check one)

☐ Variance	from Section _____ 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:

YOUR RECEIPT THANK YOU

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

04/28/2016 12:00PM 01
000000#1801 Glidden

COPY

#1607

#7067

Variance 1 @ \$100.00 \$100.00

9 @ \$8.00 \$72.00

Certified Mail 1 @ \$80.00 \$80.00

Legal Notice 1 @ \$80.00 \$80.00

ITEMS 11Q
CHECK \$252.00

APPLICATION CHECKLIST (Please check off)

RECEIVED
Planning Office
APR 28 2016
Dover, New Hampshire

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.

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)).

Copies of a plot plan drawn in accordance with a boundary line to scale of 1" = 40'. They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if any, 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 SPECIAL EXCEPTION \$
 - \$100.00 APPEAL FROM ADMINISTRATIVE DECISION \$
 - \$100.00 EQUITABLE WAIVER \$ 100.00
2. Certified letters fee: # of abutters 8 X \$8.00 = \$ 64.00
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 \$ 252.00

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

THIS SECTION TO BE COMPLETED BY EQUITABLE WAIVER APPLICANTS ONLY

An Equitable Waiver of Dimensional Requirements is requested from Article 170 Section 12(B) of the Zoning ordinance to permit a 3.9 foot encroachment of the corner of the structure being within the twenty (20) foot side yard setback, as defined by the RM-40 Table Uses and Dimensional Requirement (Footnote 1).

1. Does the request involve a dimension requirement, not a use restriction? yes no

See attached.

2. a) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the city **OR** b) explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser **AND** how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

See attached.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

See attached.

4. Explain how the cost of correction far outweighs any public benefit to be gained.

See attached.

NOTE: The Board must find in the affirmative on all four questions or the request must be denied

**STF DEVELOPMENT CORP.
Map E, Lot 45-3
20 Lika Drive, Dover, NH**

**APPLICATION FOR
EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS**

1. Does the Request involve a dimension requirement, not a use restriction?

In this instance, yes, the relief being requested does involve a dimension requirement.

2. a) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the City OR b) explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser AND how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

The nonconformity involves a minor encroachment into the 20 foot side yard setback by a small portion of the corner of the building that was constructed approximately one year ago. The encroachment is depicted on the plan included herein, and is 3.9 feet into the setback. The encroachment was discovered when the property was subject to a structure location plan. The violation was the result of a measurement miscalculation as to the side yard setback as it relates to the corner of the foundation of the structure. The builder actually believed in good faith, and intended, that the structure was being constructed at least 4 feet away from the side yard setback.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

The nonconformity does not constitute a nuisance as the foundation of the structure is located along a property line that abuts 1.8 acres of open space (see plan of subdivision attached, and, as such, will not result in overcrowding or interference with the open space or any abutter's use and enjoyment of their property.

4. Explain how the cost of correction far outweighs any public benefit to be gained.

The cost of correction far outweighs any public benefit as a finished structure is located within the encroachment and there will, in perpetuity, be open space located adjacent to the structure, and, thus, in this instance, there would be no public benefit at all in requiring the structure to be moved.

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:

4/28/16

**ABUTTER LIST
FOR
STF DEVELOPMENT CORP.
Map E, Lot 45-3
20 Lika Drive, Dover, NH**

April 28, 2016

MAP/LOT

OWNER/APPLICANT:

MAP E/LOT 45-3	STF DEVELOPMENT CORP 292 CENTRAL AVE DOVER, NH 03820
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ABUTTERS:

MAP E/LOT 43	NORMAND G. AND SALLY COTE, TRUSTEES NORMAND G. AND SALLY COTE REV. LIV. TRUST 241 TOLEND ROAD DOVER, NH 03820
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MAP E/LOT 43-A	STEVEN BROWN 229 TOLEND ROAD DOVER, NH 03820
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MAP E/LOT 45	ROBERTA BRONDOLO & SILVIO PUPINO 75 PORTSMOUTH AVE GREENLAND, NH 03840-6205
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MAP E/LOT 45-1	JORDAN L. WISSLER 22 MILLS FALLS ROAD BARRINGTON, NH 03825
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MAP E/LOT 45-2	RAYMOND D. AND KRISTIN A. PARISE 16 LIKA DRIVE DOVER, NH 03820
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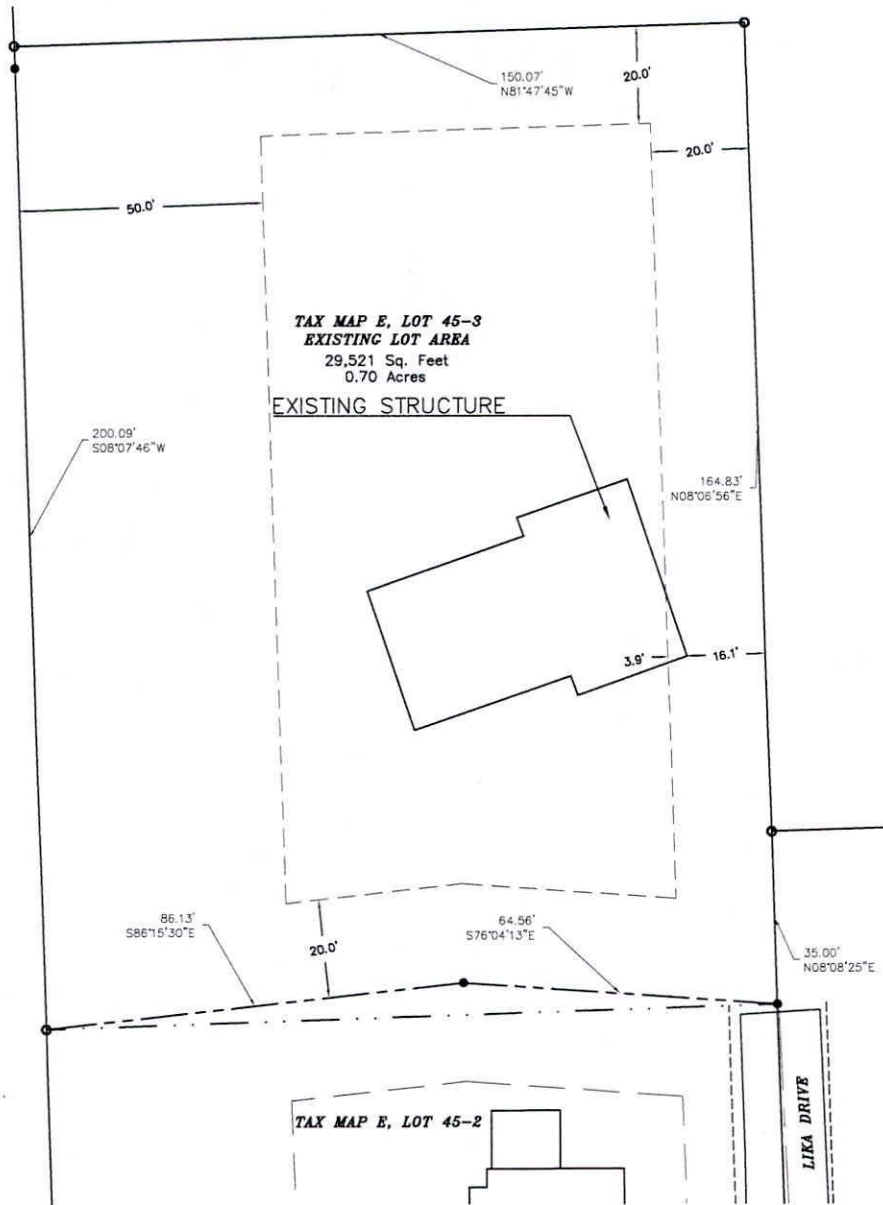
MAP E/LOT 45-4	BRIAN STERN 201 TOLEND ROAD DOVER, NH 03820
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MAP E/LOT 46	LAUREN JACOBY TRUSTEE 211 TOLEND ROAD DOVER, NH 03820
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MAP E/LOT 47	BRIAN STERN 201 TOLEND ROAD DOVER, NH 03820
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PROFESSIONALS:

ATTORNEY	FRANCIS X. BRUTON, III, ESQUIRE BRUTON & BERUBE, PLLC 798 CENTRAL AVENUE DOVER, NH 03820
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THIS IS NOT A BOUNDARY SURVEY

ZONE :
R-40/OPEN SPACE

SETBACKS:
FRONT: 20'
SIDE: 20'
REAR: 50'

S.C.R.D.
PLAN # 85-001
BOOK 4222, PAGE 928

STRUCTURE LOCATION PLAN
FOR
STF DEVELOPMENT CORP.
LIKA DRIVE
DOVER, N.H.
TAX MAP E, LOT 45-3

**BERRY & SURVEYING
& ENGINEERING**
335 SECOND CROWN POINT RD.
BARRINGTON, N.H. 332-2863

SCALE : 1 IN. EQUALS 30 FT.

DATE : APRIL 28, 2016

FILE NO. : DB 2014 -076