

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, October 19, 2017**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF SEPTEMBER 21, 2017

3. HEARINGS

- A. Z17-16 Applicant/Owners Hadley and Shane Moores, 33 Littleworth Road (Tax Map G, Lot 6-D), located in the Assembly and Office (I-4) Zoning District, request a variance from **Section 170-12.B** of the Zoning Ordinance to permit reduced setbacks, specifically those applied in the Rural Restricted Industrial (I-2) Zoning District, where the I-4 Zoning District requires a minimum setback of 75 feet from all property lines. For both principal and accessory buildings, a minimum front setback of 35 feet, and a minimum side and rear setback of 10 feet would be permitted if the variance is granted.
- B. Z17-20 Applicant/Owner Jeffrey & Sharon Warshauer, 3 Wentworth Terrace (Tax Map 8, Lot 32-1), located in the Low Density Residential (R-20) Zoning District, request a variance from **Section 170-12.B** of the Zoning Ordinance to permit a front setback of 48.77 feet, where a build-to line of 20 feet minimum, 35 feet maximum is required.

4. OTHER BUSINESS

5. 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: Room 306, McConnell Center – 61 Locust St. Dover, NH 03820
Meeting Date: **Thursday, September 21, 2017**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Bob Hall (Vice Chair), Otis Perry

Members Not Present: Frank Landford, George Reagan, Nicholas Couturier (Alternate)

Staff Present: Elena Piekut (Assistant City Planner)

The Chair called the meeting to order at 7:02 p.m. He opened the meeting, introduced the Board and staff members to the audience, and explained that Applicants are given the option to postpone a hearing when a full Board is not present.

2. APPROVAL OF MEETING MINUTES OF AUGUST 17, 2017

Motion: Otis Perry moved to approve the August 17, 2017 Regular Meeting Minutes as submitted. Seconded by Bob Hall. Vote: U/A

3. HEARINGS

- A. Z17-16 Applicant/Owners Hadley and Shane Moores, 33 Littleworth Road (Tax Map G, Lot 6-D), located in the Assembly and Office (I-4) Zoning District, request a variance from **Section 170-12.B** of the Zoning Ordinance to permit reduced setbacks, specifically those applied in the Rural Restricted Industrial (I-2) Zoning District, where the I-4 Zoning District requires a minimum setback of 75 feet from all property lines. For both principal and accessory buildings, a minimum front setback of 35 feet, and a minimum side and rear setback of 10 feet would be permitted if the variance is granted.

Attorney Abigail Karoutas, representing Hadley and Share Moores, stated that the Applicant will postpone the hearing until the next regular meeting, October 19, 2017 at 7:00 p.m. in City Hall Council Chambers.

- B. Z17-20 Applicant/Owner Jeffrey & Sharon Warshauer, 3 Wentworth Terrace (Tax Map 8, Lot 32-1), located in the Low Density Residential (R-20) Zoning District, request a variance from **Section 170-12.B** of the Zoning Ordinance to permit a front setback of 48.77 feet, where a build-to line of 20 feet minimum, 35 feet maximum is required.

Attorney F.X. Bruton, representing Jeffrey & Sharon Warshauer, stated that the Applicant will postpone the hearing until the next regular meeting, October 19, 2017 at 7:00 p.m. in City Hall Council Chambers.

4. OTHER BUSINESS

Chair Prior asked the Board to consider amending its rules of procedure to include individual votes on each of the five variance criteria in certain cases, such as when a motion fails. Otis Perry stated his opposition on the grounds that member's opinions on each of the criteria should be evident in discussion, and a vote to approve should only be made when a member is satisfied that all five criteria are met. Bob Hall also opposed and voiced concern that one member's vote



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may affect another's if they are not taken all at once. Chair Prior suggested the conversation should include the entire Board and an opinion from the City Attorney.

Assistant City Planner Elena Piekut shared a flier from the Climate Adaptation Chapter Committee that is updating Dover's Master Plan.

5. ADJOURN

Otis Perry moved to adjourn at 7:20 p.m. Bob Hall seconded. Vote: U/A.

DRAFT



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date: Thursday, October 19, 2017
Meeting Time: 7:00 pm

INTENT: The Applicant requests a variance to permit reduced setbacks by applying the dimensional regulations for the I-2 rather than the I-4 zoning district.

UNITS PROPOSED: None

AGENDA ITEM #: 3-A

ZONING DISTRICT: Assembly and Office (I-4)

FILE: Z17-16

APPLICANT/OWNER: Hadley & Shane Moores

LOCATION: 33 Littleworth Road
(Tax Map G, Lot 6-D)

ACREAGE: 2.36 acres (102,800 square feet)

EXISTING LAND USE:
Warehouse/Office

PROPOSED LAND USE: Same

SURROUNDING LAND USE:
Warehouse, office, manufacturing, single-family dwellings

PREVIOUS ZBA ACTION:
None

PLANNING BOARD APPROVAL REQUIRED: Technical Review Committee approval at minimum. Site plan review likely, dependent on final building and parking plans.

ATTACHMENTS: Application, plan

STAFF RECOMMENDATION:
Staff does not oppose the variance.

SUMMARY OF APPEAL AND BACKGROUND

The property is located on the north side of Littleworth Road and is home to Moores Crane Rental. The existing, 2,880-square-foot metal structure was built in 1970. The property was rezoned from Rural Restricted Industrial (I-2) to a less intensive industrial zone, Assembly and Office (I-4), in 2003. I-4 requires a larger minimum lot size and greater setbacks from property lines. The Applicant seeks a variance from side setback requirements to construct an addition (in order to garage cranes) and a freestanding, 1,680-square-foot office building. The majority of the property is currently cleared, with vehicles parked on a gravel/dirt surface.

The property is on the edge of the I-4 Zoning District, with single-family dwellings in the Low Density Residential (R-20) to the west and industrial uses in the I-2 across Littleworth Road to the south. A large manufacturing facility is located behind Moores Crane, and nonconforming single-family dwellings, also in the I-4, are located directly south and southeast of the property (35 Littleworth and 29 Littleworth).

REASON FOR STAFF RECOMMENDATION

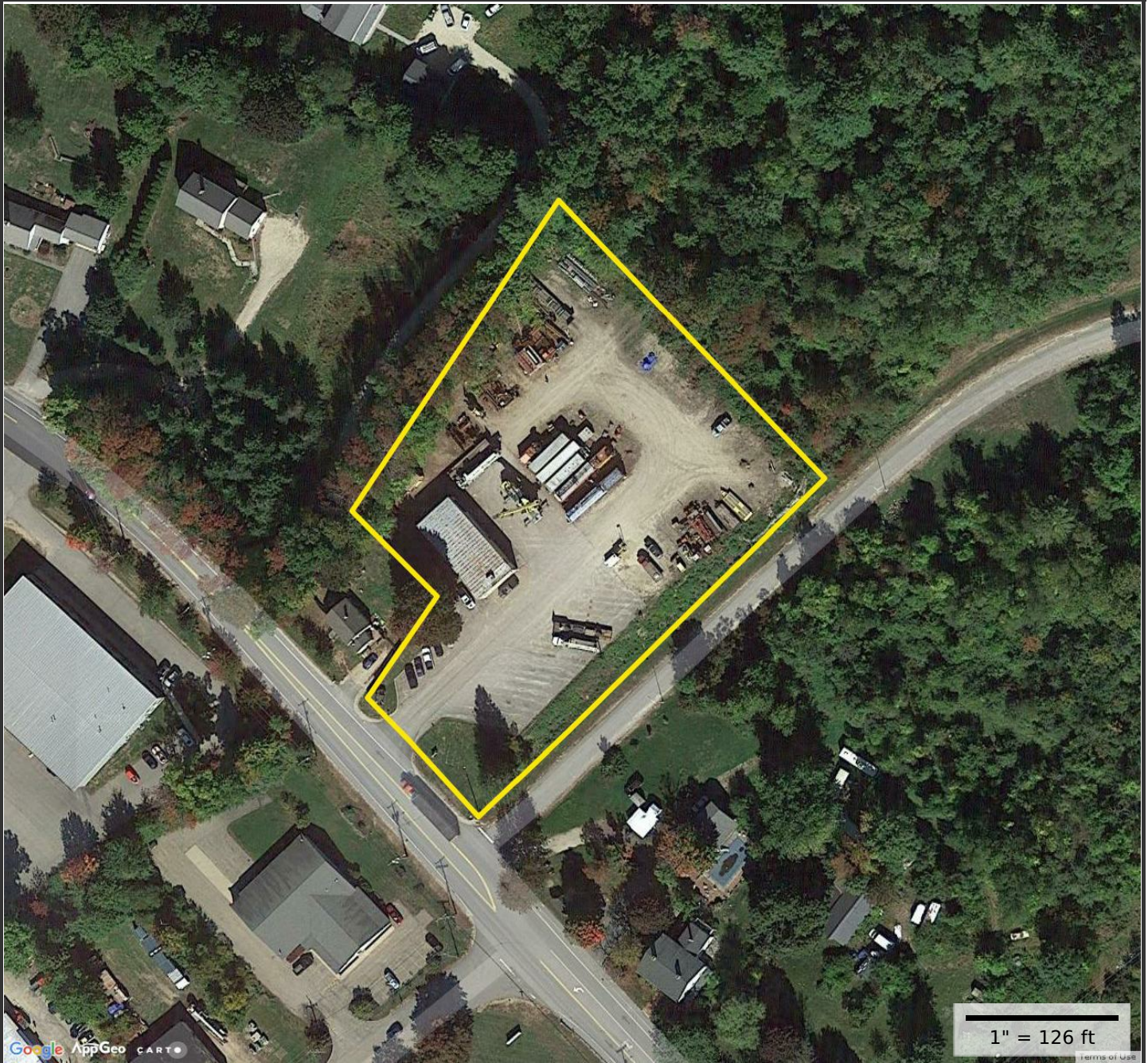
This lot is less than half of the five-acre minimum lot size in the I-4. The existing structure is nonconforming to the 75-foot setback from the lot lines shared with 35 and 37 Littleworth Road. The use is reasonable and the size and shape of the lot, as well as the placement of the existing building upon it, present a hardship. The Board should accept testimony and make a finding as to whether the variance diminishes the value of surrounding properties.

RECOMMENDATION

Staff recommends the Board hold a public hearing and make findings as to whether each of the five variance criteria are met. If the Board finds that all five criteria are satisfied, the Board should approve the request. Staff does not oppose the request and suggests the following conditions:

- 1) The current Rural Restricted Industrial (I-2) Zoning District setbacks, as follows, shall apply to all future development on Tax Map G, Lot 6-D, with the exception of the side yard abutting Tax Map G, Lot 28-1D:

Principal Building:	Outbuilding/Accessory Use:
Front: 50 feet (per footnote 3)	Front: 35 feet
Abut a Street: 35 feet	Abut a Street: 35 feet
Side: 10 feet	Side: 10 feet
Rear: 10 feet	Rear: 10 feet
- 2) The side yard setback for the portion of Tax Map G, Lot 6-D abutting Tax Map G, Lot 28-1D, shall be a minimum of 25 feet.
- 3) The Applicant shall plant and maintain six-to-eight-foot evergreens between the proposed building and Tax Map G, Lot 28-1D, as depicted on the plan.
- 4) The plan shall be revised with a reference to this decision and a note and depiction of the setback requirements described in conditions 1 and 2.

**Property Information**

Property ID G0006-D00000
Location 33 LITTLEWORTH RD
Owner MOORES HADLEY S &



**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.

Parcels updated 6/13/2017
Properties updated 07/13/2017



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

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Meeting Date:	Thursday, October 19, 2017
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit a front setback of approximately 48.77 feet where a build-to-line of 20 feet minimum, 35 feet maximum is required.

UNITS PROPOSED: None

AGENDA ITEM #: 3-B

ZONING DISTRICT: Low Density Residential (R-20)

FILE: Z17-20

APPLICANT/OWNER: Jeffrey & Sharon Warshauer

LOCATION: 3 Wentworth Terrace
(Tax Map 8, Lot 32-1)

ACREAGE: 1.02 acre (44,431 square feet)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Same

SURROUNDING LAND USE:
Single-family dwellings

PREVIOUS ZBA ACTION:
None

PLANNING BOARD APPROVAL REQUIRED: Conditional Use Permit

ATTACHMENTS: Application, plan

STAFF RECOMMENDATION:
Staff does not oppose the variance.

SUMMARY OF APPEAL AND BACKGROUND

The property is located on the north side of Wentworth Terrace, the second-to-last home on the street, on the Piscataqua River. The existing one-story home was built in 1928. The Applicant intends to demolish the structure and build a new single-family dwelling in a similar location, farther from the river and closer to Wentworth Terrace.

REASON FOR STAFF RECOMMENDATION

The proposed location of the home is more conforming than the existing condition. The intent of the build-to line in the R-20 Zoning District is to create continuity along streets. Wentworth Terrace is an old and unique area, and the proposed placement of the house is consistent with the homes on either side of it. The deviation from the 35-foot maximum build-to line is relatively minor. Granting the variance is unlikely to have any negative effect on property values or be otherwise injurious to the public. The use is reasonable. Replacing the house in the same general location is also less impactful to the Conservation District and Piscataqua River.

RECOMMENDATION

Staff recommends the Board hold a public hearing and make findings as to whether each of the five variance criteria are met. If the Board finds that all five criteria are satisfied, the Board should approve the request. Staff does not oppose the request.

**Property Information**

Property ID 08032-000000
Location 3 WENTWORTH TR
Owner SHORT BRIAN D &



**MAP FOR REFERENCE ONLY
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Parcels updated 6/13/2017
Properties updated 09/13/2017