



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, November 16, 2017**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Bob Hall (Vice Chair), Frank Landford, Otis Perry, George Reagan, Nicholas Couturier (Alternate)

Members Absent: Anthony Sillitta (Alternate)

Staff Present: Elena Piekut (Assistant City Planner)

The Chair called the meeting to order at 7:00 p.m. He introduced the Board and staff members to the audience and explained the process used to hear cases.

2. APPROVAL OF MEETING MINUTES OF OCTOBER 19, 2017

O. Perry moved to approve the minutes as written. B. Hall seconded. Vote: U/A.

3. HEARINGS

- A Z17-21 Applicant/Owner Jeremy D. Towle, 83 Columbus Avenue (Tax Map F, Lot 24-A), located in the Assembly and Office (I-4) Zoning District, requests a variance from **Section 170-12.A** of the Zoning Ordinance to permit an additional (second) single-family dwelling where single-family dwellings are not a permitted use, and from the definition of “lot” in **Section 170-6** of the Zoning Ordinance to permit two principal buildings on one lot.

Paul Connelly, Civil Engineer, appeared on behalf of Jeremy Towle, who was present, along with his children. He described the application, as well as the history of the property and the challenges that the property owners have faced.

The Board asked the following questions:

- Can you show me again where the I-4/R-40 zoned property is?
 - The existing R-40 zone is the wooded area here, and there's quite a few houses up in this area.
- Paradise and the Kay are I-4?
 - Up to 300 or 400 feet back from Tolend Road; adjacent to Tolend Road is all R-40.
- The proposed new single-family dwelling would remain consistent with the setbacks of the I-4 zone?
 - Yes.
- There is actually no industrial use that abuts him other than farming?
 - Correct.



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- On the plot plan you presented, it does illustrate R-40 setbacks and not I-4 setbacks.
 - You're right. This was leftover from when we exploring the subdivision potential.
- Why didn't you just pursue having this rezoned to R-40? It seems like what you're trying to do, but by variance, which I'm not sure is appropriate.
 - Well, it was certainly discussed and felt that the variance route was still the best way to approach it at this point, not having the knowledge of what potentially could be done on the abutting properties, primarily in the Kay property.
- Thinking back to the R-40, and you get the setbacks of the R-40, how would you have, then, been able to subdivide it if you were in the R-40, or get a variance?
 - We wouldn't have to acquire another 30 feet of frontage, or get a variance.
- How would you have cut the land? How would you have split that?
 - Pretty much right down the middle here, and probably have set off a 5-acre lot.
- You then could have built the second house. You still would have been within setbacks, wetland buffer, and all of that. It would have worked?
 - Yes.
- Then an easement or some kind of consideration for a shared driveway, right?
 - Yes.
- Why didn't you request a variance from 170-40D, which indicates no additional structure not conforming to the requirements shall be redacted onto such nonconforming use of land?
 - If I could defer the answer of that to Elena Piekut, I'd prefer to do that, at this point.

Public Hearing opened.

STAFF RECOMMENDATION:

E. Piekut noted that P. Connelly did put 170-40 as the request on the Application Form, although she felt it was more appropriately a different section, wherein she set it as 170-12A, which is what is used generally for a request for a use that is not permitted in that Zoning District. She continued on that 170-40 doesn't apply in this case.

She stated that staff does not oppose the request, but it is important to keep in mind that due to the wetlands onsite, there isn't much potential for significant industrial development there, as well as the fact that the horse farm is in a conservation easement.

Public Hearing closed.

O. Perry moved to approve the Application, based on the fact that the Applicant has met the five criteria for a variance. F.Landford Seconded. Vote (5-1)



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4. OTHER BUSINESS

E. Piekut reminded that on Tuesday, January 9th, 2018, is the Annual Land Use Board Meet & Greet, where the focus will be presenting the Climate Adaptation Chapter of the Master Plan.

The new Recording Secretary was discussed.

5. ADJOURN

O. Perry moved to adjourn. B. Hall seconded. Vote: U/A. Adjourned: 7:26 p.m.

DRAFT