



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Thursday, June 20, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF MAY 16, 2019

3. HEARINGS

- A. Z19-07 Applicant Derick Schrempf and Owners Kurt Driscoll and Beth Driscoll, 24 Gerrish Road (Tax Map M, Lot 38A), located in the Medium Density Residential (R-12) Zoning District, requests a variance from Section 170-12.B of the Zoning Ordinance to permit a 10 foot side setback for an attached garage, where the minimum side setback for a principal building in the R-12 District is 15 feet.

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>.



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Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Thursday, May 16, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

Present: Chris Prior (Chair), George Reagan, Otis Perry, Nick Couturier (Alternate), Rich Onufry (Alternate)

Absent (Excused): Vice Chair Bob Hall, Anthony Sillitta (Alternate)

Absent (Unexcused): Frank Landford

Staff: Elena Piekut (Assistant City Planner, Zoning Administrator)

The Chair called the meeting to order at 7:00 PM.

2. APPROVAL OF MEETING MINUTES OF APRIL 18, 2019

Motion: George Reagan moved to approve the minutes of April 18, 2019 as submitted. Seconded by Otis Perry.

Vote: U/A

3. HEARINGS

- A. Z19-04 Applicant/Owner Quantum Real Estate Group, LLC, Littleworth Road (Tax Map H, Lot 29-A-3), located in the Low-Density Residential (R-20) Zoning District, requests a variance from **Section 170-12.A** of the Zoning Ordinance to permit a self-service storage facility, where self-service storage facilities are not permitted in the R-20 Zoning District.

The applicant requested via email that the item be continued.

Otis Perry moved to continue the item to the June 20, 2019 meeting. Rich Onufry seconded. Vote: U/A

- B. Z19-05 Applicant Queen City Holdings, LLC and Owner Hot Corner Productions, LLC, Littleworth Road (Tax Map G, Lot 29), located in the Rural Restricted Industrial (I-2) Zoning District, request a variance from **Section 170-12.B** of the Zoning Ordinance to permit a building height of 75 feet for an air-supported sports training facility, where building heights in excess of 50 feet are permitted in the I-2 Zoning District only when several conditions are met. Specifically, the proposal does not meet the condition that additional building feet above 50 feet is necessary to meet an industrial function.

The applicant requested via email that the item be continued.

Otis Perry moved to continue the item to the June 20, 2019 meeting. George Reagan seconded. Vote: U/A

- C. Z19-06 Applicant/Owner STF Development Corp., New Rochester Road (Tax Map 40, Lot 43-1), located in the Thoroughfare Business (B-3) Zoning District, requests a variance from **Section 170-12.A** of the Zoning Ordinance. The applicant requests the variance to allow a single type-B dwelling unit (a unit adaptable for accessibility in accordance with the state-adopted building code) to be located on the first floor of a mixed-use structure, where multi-family dwelling units are permitted only by special exception, when located in the second story or higher of a new structure.



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The applicant requested via email that the item be continued.

George Reagan moved to continue the item to the June 20, 2019 meeting. Nick Couturier seconded. Vote: U/A

4. OTHER BUSINESS

Assistant City Planner Elena Piekut informed the Board that the City Council has asked that members' absences be recorded as excused or unexcused. Members are asked to inform staff of a planned absence.

5. ADJOURN

Motion: Otis Perry moved and Rich Onufry seconded to adjourn at 7:04pm. Vote: U/A

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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, June 20, 2019
Meeting Time:	7:00 pm

INTENT: The applicant requests a variance to permit a reduced side setback.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-A

ZONING DISTRICT: Medium Density Residential (R-12)

FILE: Z19-07

APPLICANT/OWNER: Derick Schrempf/Beth and Kurt Driscoll

LOCATION: 24 Gerrish Road (Tax Map M, Lot 38-A)

ACREAGE: 0.27 ac (11,761 sq. ft.)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: N/A

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, plans

STAFF RECOMMENDATION:
Staff supports granting the variance request.

SUMMARY OF REQUEST AND BACKGROUND INFORMATION

The property subject to this request is located on the east side of Gerrish Road and is home to a single-family dwelling with detached garage. The applicant requests a variance to permit a new addition (attached garage) to encroach upon the 15 foot side setback. The new addition would be approximately 10 feet from the side property line, where the existing detached garage is currently located.

REASON FOR STAFF RECOMMENDATION

The existing detached structure is located about 10 feet from the side property line. The addition replacing this structure will be in approximately the same location, though slightly larger. Due to the orientation of the home and driveway, it would be difficult to add a garage either in conformity with the 15 foot side setback or without adding driveway across the front yard. Granting the variance is unlikely to impact surrounding property values, does substantial justice, and is consistent with the spirit and intent of the ordinance. The new addition of an attached garage will be safer from fire danger than a detached garage at close distance to the home.

STAFF RECOMMENDATION

Staff recommends the Board open the public hearing, take public testimony, make findings on each of the five variance criteria, and grant the variance.

24 Gerrish Road

**Property Information**

Property ID M0038-A00000
Location 24 GERRISH RD
Owner DRISCOLL KURT I &
Land Use 101



**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.

Geometry updated 5/3/2019
Data updated Daily



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 2017] **RECEIVED**
Planning Office

Office Use Only Case #:

219-07

Date Received:

MAY 30 2019

Amount Paid: \$

Time Received:

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Derick Schrempf Phone # 603-394-5366

Address of Applicant: 22 Deerfield RD North Berwick ME 03906

E-Mail Address: derickschrempf@gmail.com

PROPERTY OWNER (if different from applicant): Kurt Driscoll, Beth Driscoll

Address: 24 Gerrish RD Phone # _____

E-Mail Address: bethdriscoll@comcast.net

PROPERTY/PARCEL INFORMATION

Address: 24 Gerrish RD

Brief Directions: 4th property on the left heading south on
Gerrish RD

Zoning District: R12 Assessor's Map # M Lot(s) # 38A

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:

To remove existing detached garage which meets setback
requirements and build an attached garage that goes no further
than the current garage. Due to it being attached to the
house it is now required to be 15 Ft than the 10 Ft from the
line which it is 5 Ft from being the 15' setback requirements

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) _____
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 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.
- B. **10 Copies of Completed Zoning Board of Adjustment Application** _____
Note: 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 as part of original signed application (Part A above)).
- C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale 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 applicable, including setbacks. _____
- 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). _____
- E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. _____
- F. **Abutter Notification/Mailing Labels** - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to provide to this office the engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan with names and addresses for notices. You will be notified with the amount due, once this has been completed.
1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
Certified letters fee # _____ of x \$8.00 =
 2. Certified letters fee: # of abutters _____ X \$8.00 = \$ _____
 3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X \$1.00 = \$ _____
 4. Creating/Printing Abutter Labels in triplicate per sheet _____ x \$10.00 = \$ _____
- G. **TOTAL FEE** paid by cash or check made payable to "City of Dover"
1. Application fee of:
 - \$100.00 VARIANCE (per Section requested) \$ 100.
 - \$100.00 SPECIAL EXCEPTION \$ _____
 - \$100.00 APPEAL FROM ADMINISTRATIVE DECISION \$ _____
 - \$100.00 EQUITABLE WAIVER \$ _____
 2. Foster's newspaper public notice \$ 80.00

TOTAL FEE

\$ 180.00

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:

To lower side setback to 10' to build a 22 x 30 detached
garage

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 new garage being built does not extend any further
than the existing detached garage so there will be minimal
impact on the neighbors.

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

there is not really a change in distance due to the current
detached garage

3. Granting the variance would do substantial justice because:

It will allow for 2 vehicles to be able to enter and
exit the garage with no extra maneuvers

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

It does not extend any closer than the existing garage

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:

The old garage looks to be unrepairable and only 1 car can fit. Also the way the house sits at an angle makes it not possible to fit this style garage within the setbacks

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:

Building the attached garage would add to the value and the curb appeal for the property.

and

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

It does not move any closer to the property line than the existing garage

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:

SPECIAL EXCEPTION REQUIREMENTS

THIS SECTION TO BE COMPLETED BY SPECIAL EXCEPTION APPLICANTS ONLY

A. General Special Exception Requirements (as set forth in §170-52.C.3 of the Zoning Ordinance)

1. Explain how the requested use would be essential or desirable to the public convenience or welfare.

2. Detail how the requested use would not create undue traffic congestion or unduly impair pedestrian safety.

3. Describe how the requested use would not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

B. Specific Special Exception Requirements (as may be set forth in the applicable Table of Use)

Explain how the proposal meets the specific special exception requirements as may be set forth in the Table of Use for the zoning district in which the subject property is located:

A.

B.

C.

D.

E.

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*

Kurt J. Driscoll
Bob Driscoll

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: *Kurt J. Driscoll*
Bob Driscoll Date: *5.28.19*
5/28/19

**Boudreau
Land
Surveying P.L.L.C.**
SCOTT D. BOUDREAU, L.L.S. #961
2 BEATRICE LANE
NEWMARKET, NH 03857
(603) 659-3468

PLOT PLAN SHOWING PROPOSED ADDITION

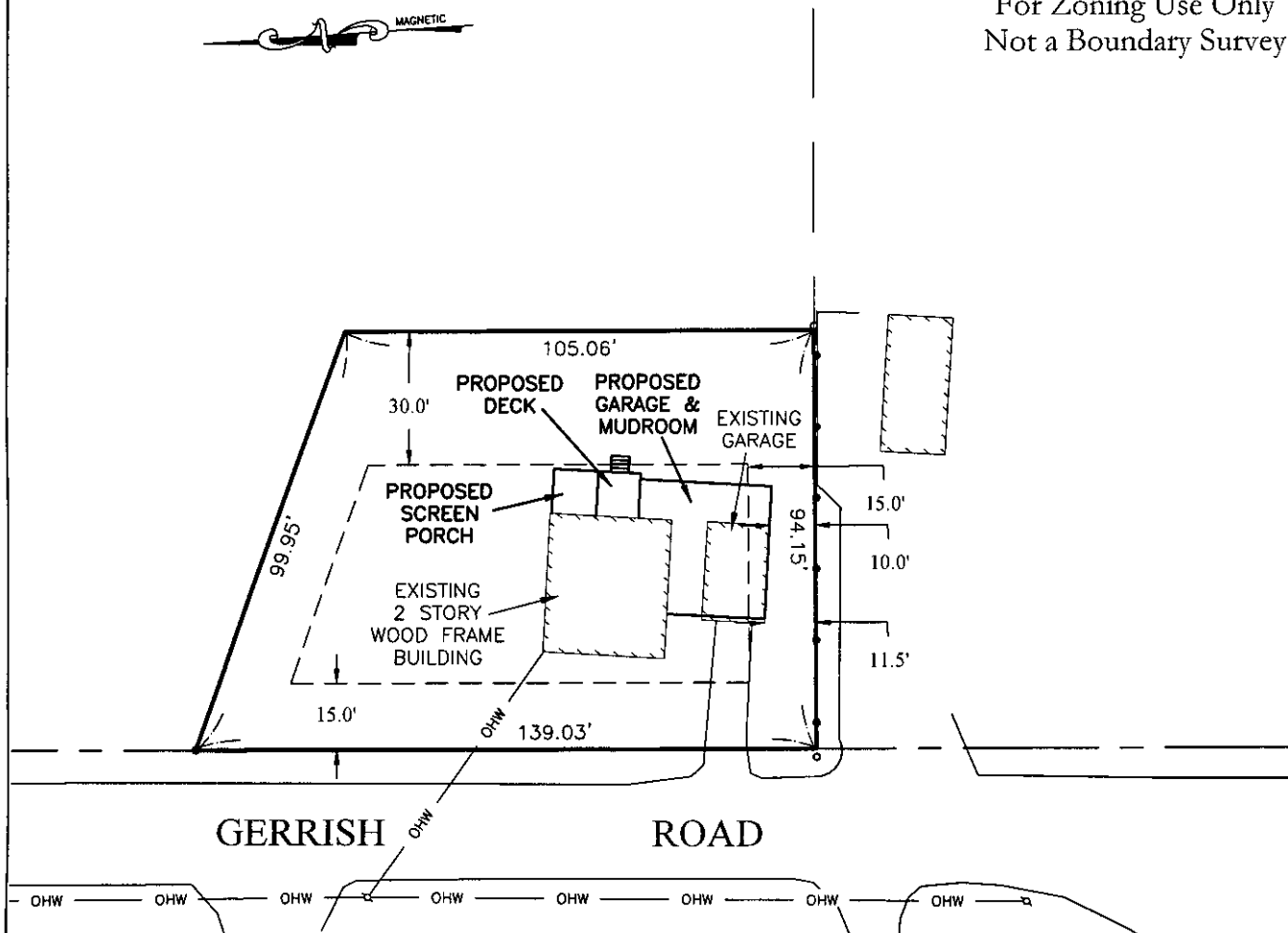
PREPARED FOR
KURT I. & BETH M. DRISCOLL
24 GERRISH ROAD
DOVER, NEW HAMPSHIRE
MAP BLOCK NO. M-38-A-0
ZONE R-12

JOB #: 19009

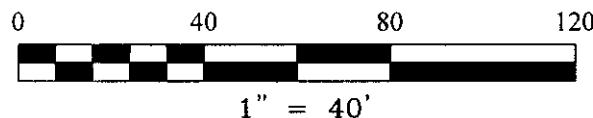
FILE NAME: 19009a.dwg

DRAWN BY: SDB

For Zoning Use Only
Not a Boundary Survey



1. REFERENCES: STRAFFORD COUNTY REGISTRY OF DEEDS BOOK 2870 PAGE 135.
2. THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY TO SHOW THE EXISTING FEATURES IN REFERENCE TO THE RECORD BOUNDARY.
3. THIS PLAN APPLIES ONLY TO CONDITIONS EXISTING AS OF THE DATE SHOWN HEREON.



Scott D. Boudreau
Scott D. Boudreau
New Hampshire LLS #961

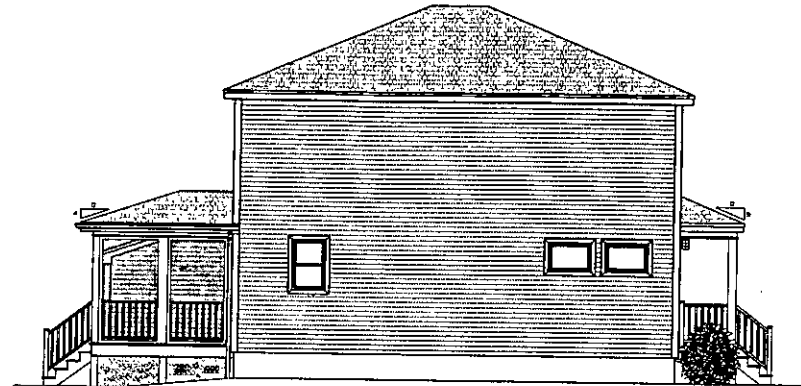
5/21/2019
Date

Date: MAY 21, 2019
Scale: 1in. = 40ft.



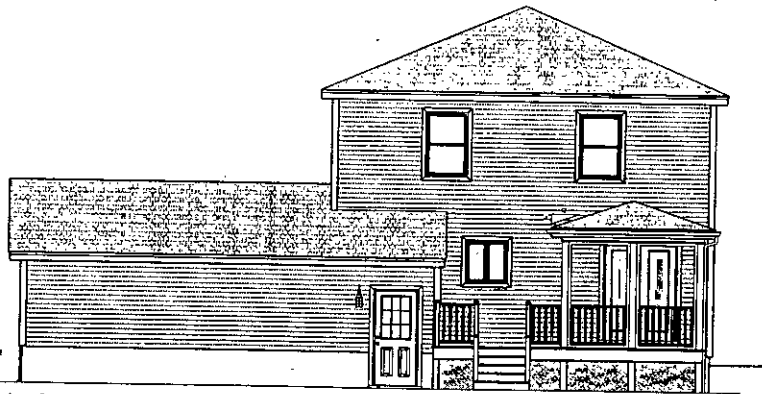
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



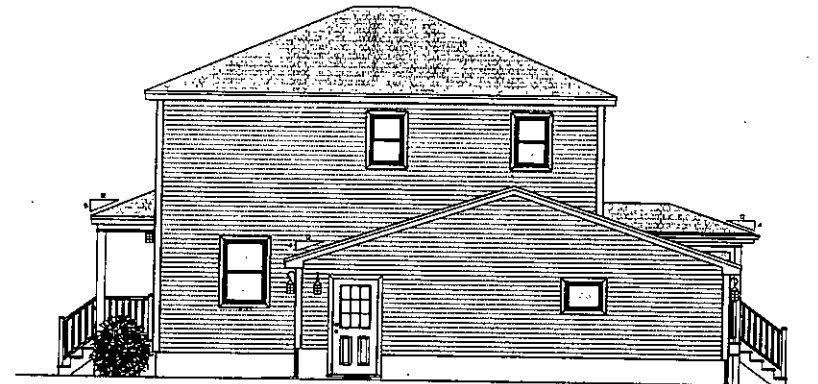
LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

ELEVATION GRADES AND FOUNDATION DROPS SHOWN
ARE CONCEPTUAL. FOUNDATION DROPS AND GRADE
WILL BE DETERMINED ON SITE BY CONTRACTOR

MEMBER
**A I
B D**

AMERICAN INSTITUTE OF
BUILDING DESIGNERS

NEWMARKET PLANS, LLC.
HOME DESIGN SERVICE

NEWMARKETPLANS@COMCAST.NET
WWW.NEWMARKETPLANS.LLC.COM
603-699-0985

DATE	DESCRIPTION
9/22/18	DRAFT PLANS RELEASED
9/23/18	REVISED PLANS RELEASED
9/24/18	REVISED PLANS RELEASED
10/30/18	REVISED PLANS RELEASED

KURT & BETH DRISCOLL
24 GERRISH ROAD
DOVER, NH 03830

SHEET NUMBER

A1

PLAN NUMBER

1021

24/3/18 JRG/4 D

Z19-07**Owner 1**

LITTERIO EDWARD J &
WALSH GERALD R &
GUSTIN DOUGLAS E SR
MITCHELL WILLIAM L
BEACH JENNIFER A &
FROST STEVEN SR
MURPHY ROBERT M &
MCCULLOUGH KRISTIN C &
LLOYD GARY & LLOYD DENISE
MOORE SHERRI A
GRIFFIN DARLENE D
DERICK SCHREMP
BETH DRISCOLL

24 GERRISH ROAD**Owner 2**

LITTERIO ROBIN L
WALSH PENELOPE T

BEACH RICHARD M JR
FROST ELIZABETH
ROBERTS JULIANA H
MCCULLOUGH DONALD J JR
MOORE ERIC S

Owner Address 1

19 GERRISH RD
25 GERRISH ROAD
23 GERRISH ROAD
13 GERRISH RD
16 GERRISH RD
20 GERRISH RD
30 GERRISH RD
36 GERRISH RD
42 GERRISH RD
52 NEW ROCHESTER ROAD
81 OLD DOVER POINT RD
22 DEERFIELD ROAD
24 GERRISH ROAD

City

DOVER
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DOVER
NORTH BERWICK
DOVER

State Zip

NH 03820
NH 03820
NH 03820
NH 03820
NH 03820-4671
NH 03820
NH 03820-4671
NH 03820
NH 03820
NH 03820-2132
NH 03820
ME 03906
NH 03820