



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, July 18, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF JUNE 20, 2019

3. ELECTION OF VICE CHAIR

4. HEARINGS

- A. Z19-08 Applicant Susan Norman and Owner 188 Bay View Road LLC, 71 Bay View Road (tax Map J, Lot 22-A), located in the Rural Residential (R-40) Zoning District, requests a variance from **Section 170-12.B** of the Zoning Ordinance to rebuild a portion of the existing home, permitting a 30'8" front yard setback where a 32'4" setback currently exists and where a minimum of a 40-foot front yard setback is required.

5. OTHER BUSINESS

6. 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 Ave., Dover, NH 03820
Meeting Date: Thursday, June 20, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior, George Reagan, Otis Perry, Rich Onufry (Alternate), Nick Couturier (Alternate), Bob Hall (Vice Chair), Frank Landford, Anthony Sillitta (Alternate)

Members Absent: None

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

The Chair called the meeting to order at 7:00 PM and explained the process used to hear cases.

2. APPROVAL OF MEETING MINUTES OF MAY 16, 2019

Motion: Otis Perry moved to approve the minutes of May 16, 2019 as submitted. Seconded by George Reagan. Vote: U/A with Bob Hall and Frank Landford abstaining.

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.

Kurt and Beth Driscoll, owners presented the request. There is an existing garage on the property with a setback of 10'. They wish to tear down the existing garage and build a new garage in the same location, not going any closer to the property line but maintaining the 10' setback. The garage will be larger, but the increase in size will be towards the house to attach to the house.

Chair Prior mentioned the lot is a unique size for that area and the location for a garage is limited.

Public hearing opened.

Otis Perry wondered why this case had to come before the board since the 10' setback is already in existence.

E. Piekut explained that once a structure is torn down, new construction should conform. Since they are attaching the garage to the house, the setback regulation is 15'.

STAFF RECOMMENDATION:

Assistant City Planner Elena Piekut stated the proposal is not much different than the existing layout and is not likely to have any adverse impacts, so the planning department supports the request.

Public hearing closed.

Motion: Otis Perry moved to approve the variance. Seconded by Bob Hall. Vote: U/A

4. OTHER BUSINESS

Bob Hall announced he will be stepping down from the Zoning Board and this will be his last meeting.

Chair Prior noted the City received a letter from FX Bruton stating Quantum Real Estate has withdrawn their application.

5. ADJOURN

Motion: Otis Perry moved to adjourn at 7:10 PM. Seconded by Frank Landford. Vote U/A



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, July 18, 2019
Meeting Time:	7:00 pm

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

UNITS PROPOSED: N/A

AGENDA ITEM #: 4-A

ZONING DISTRICT: Rural Residential (R-40) Zoning District

FILE: Z19-08

APPLICANT/OWNER: Susan Norman/188 Bay View Road LLC

LOCATION: 71 Bay View Road (Tax Map J, Lot 22-A)

ACREAGE: 2.06 ac (89,734 sq. ft.)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: N/A

SURROUNDING LAND USE: Residential, conservation

PREVIOUS ZBA ACTION: Z04-10, variance granted to permit a reduced side setback for new addition

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 south side of Bay View Road, located in the Rural Residential (R-40) Zoning District. The applicant requests a variance to permit a reduced front setback that would enable the original, main house to be reconstructed in approximately the same location.

REASON FOR STAFF RECOMMENDATION

The original home was constructed in 1963, and a wing was added in 2004. The owner now wishes to reconstruct the original portion due to its poor condition. The existing structure is located 32' 4" from the front property line. The proposed structure would be slightly increased in size at the corner where the encroachment occurs, resulting in a 30' 8" setback.

Only a small corner of the rebuilt structure will encroach upon the 40-foot setback. As the house has existed within 20 inches of where the proposed reconstruction will be located, the use is a reasonable one and unlikely to have any adverse effects. The rebuilt structure will also be similar in internal layout to the existing one, which requires a similar siting in order to connect to the existing, newer wing.

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.

71 Bay View Road

**Property Information**

Property ID J0022-A00000
Location 71 BAY VIEW RD
Owner 188 BAYVIEW ROAD LLC
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 7, 2017]

RECEIVED
Planning Office

Office Use Only Case #:

219-08

Date Received:

JUN 26 2019

Amount Paid:

\$ 246.00
CR# 493

Time Received:

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: SUSAN NORMAN Phone # 603.749.3331

Address of Applicant: 41 THREE RIVERS FARM RD / DOVER NH 03820

E-Mail Address: SUSANNORMANLICSW@HOTMAIL.COM

PROPERTY OWNER (if different from applicant): 188 BAY VIEW ROAD LLC

Address: 41 THREE RIVERS FARM RD / DOVER Phone # 603.749.3331

E-Mail Address: SUSANNORMANLICSW@HOTMAIL.COM

PROPERTY/PARCEL INFORMATION

Address: 71 BAY VIEW ROAD

Brief Directions: _____

Zoning District: R-40 Assessor's Map # J Lot(s) # 22.4

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:

DEMOLISH FAILING PORTION OF EXISTING HOME AND REPLACE WITH NEW MODERATELY EXPANDED RESIDENCE. A SMALL PORTION OF THE EXISTING FRONT CORNER IS BEYOND THE FRONT SETBACK. THIS SECTION HAS AN AWKWARD BAY AND FACADE WHICH WE WOULD LIKE TO SQUARE OFF AND IMPROVE APPEARANCE.

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.

Susan Norman

Signature of Applicant*

188 Bayview Rd LLC, Susan Norman
Signature of Owner* sole member

*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: Susan Norman Date: 6/26/19

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section 170-16, Article V of the Zoning Ordinance to permit:

A 30'-8" front yard where 32'-4" exists and 40'-0" 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:

The proposed expansion beyond the setback is very modest, does not interfere with neighbors' views, and will have no negative effect on the health, safety or welfare of the general public.

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 prevent overcrowding. This is a fairly big lot, which is largely open pasture land. The proposed expansion is only 20" closer to the front setback than the existing front corner, and is very modest in size.

3. Granting the variance would do substantial justice because:

The existing front walls are less than 7' tall, and considerably lower in the angled bay, and the rooms are small by current standards, with very little storage space, and the front bedroom windows do not meet egress codes. Even to raise the front wall on the same footprint would require a variance. The proposed expansion allows for a moderate bedroom and some additional storage.

Denial of the variance would result in a loss to the applicant with no corresponding benefit to the general public.

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

The existing front of the house has an awkward and unattractive façade. In addition to providing some modestly increased living space, one of the primary goals of the design is to improve the appearance of the home from the road. The proposed expansion is considerably more attractive than the existing, is far more valuable and will only enhance the value of the surrounding properties. In addition, the proposed expansion does not interfere with the neighbors' views, or the use of their properties.

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 property is uniquely situated in its environment. It has a large odd shaped lot (with a 100' radius portion cut out for a turn-around), and the original dwelling is tucked into the front right corner, set at a strongly canted angle to the road and the property line. Most significantly, the original post and beam portion of the home does not meet current structural codes, and the foundation is failing, resulting in uneven floors. The front shed portion was poorly constructed and a small section in the front right corner exceeds current setbacks.

(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:

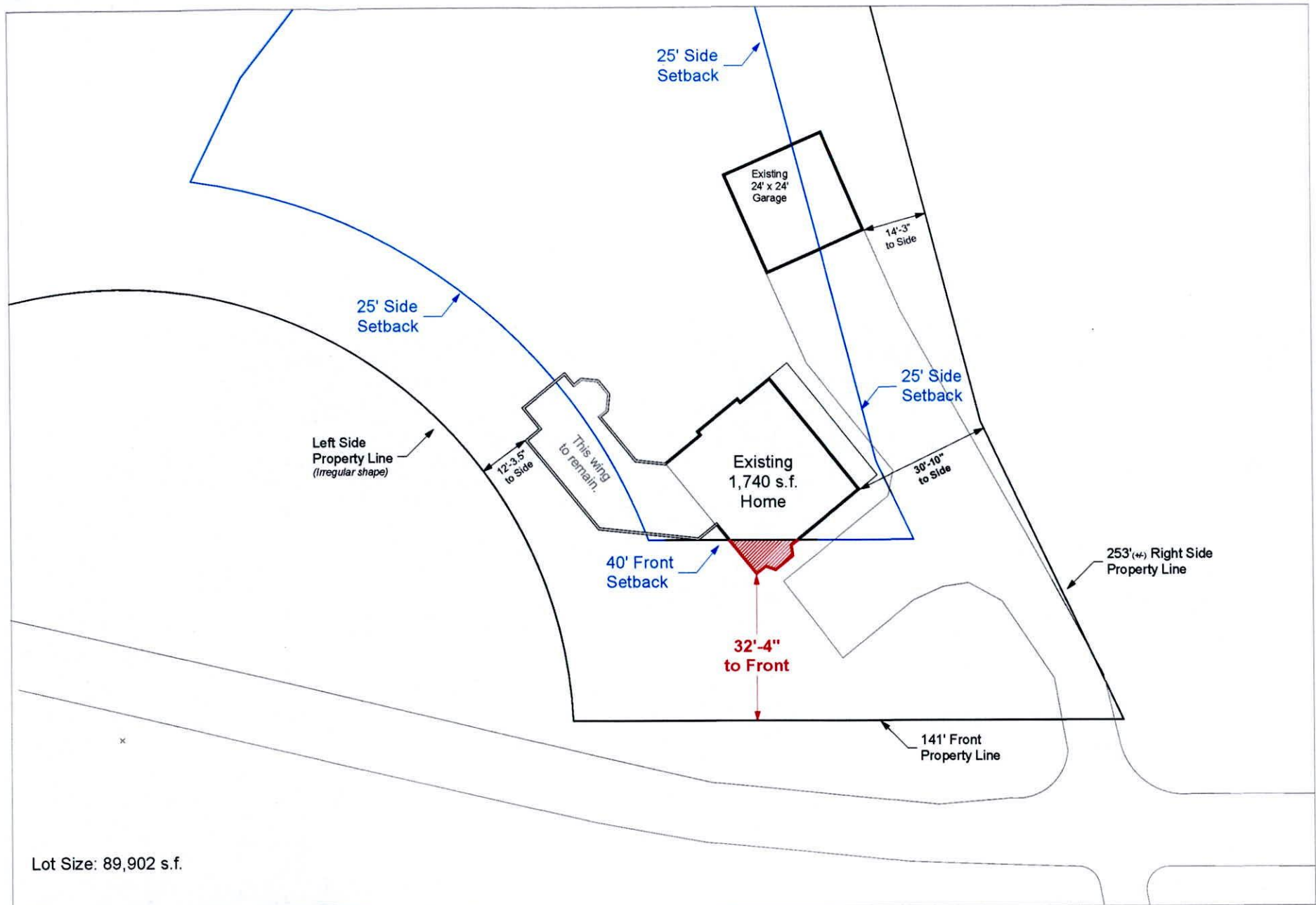
The proposed expansion into the setback area is only 20" beyond the existing, and will have virtually no negative impact on the surrounding properties. In addition, it is set back from the kitchen gable (which meets current setbacks), so in fact appears farther back from the road. As noted above, this small expansion will not impact neighbors, in terms of use, views, privacy or health, safety and welfare.

If we were required to meet the front yard setback, the front bedroom would effectively be eliminated, reducing this to a one bedroom home. The master bedroom (which was an approved addition), is sized appropriately for the modern living, but the small office in the angled section (which will remain) is extremely small, and if converted to a bedroom would be almost unusable, as it would barely fit a bed, nightstand, dresser and closet.

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

We are simply asking to square off an awkward corner, on roughly the same footprint as the existing, and provide for a slightly increased bedroom with much needed storage. The proposed expansion will not negatively alter the character of the neighborhood, and the new finished home will still be one of the smallest on the street.

Z19-08	71 BAY VIEW RD	SUSAN NORMAN					
Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
J0019-000000	39 BAY VIEW RD	VALPEY THEODORE S REVOCABLE TRUST	VALPEY THEODORE S JR TRUSTEE	39 BAY VIEW ROAD	DOVER	NH	03820
J0021-000000	72 BAY VIEW RD	MRAK ROBERT J	MRAK DIANNE	72 BAYVIEW RD	DOVER	NH	03820
J0021-B00000	442 OLD GARRISON RD	LEATHERMAN MICHAEL A		442 OLD GARRISON RD	DOVER	NH	03820
J0022-000000	99 111 BAY VIEW RD	HUGGINS CLEO &	PAYNE TROY C	99 BAY VIEW RD	DOVER	NH	03820
J0022-C00000	63 BAY VIEW RD	COSGROVE JULIE L		63 BAY VIEW RD	DOVER	NH	03820
J0022-040000	71 BAY VIEW RD	SUSAN NORMAN	188 BAYVIEW RD LLC	41 THREE RIVERS FARM RD	DOVER	NH	03820
		BERRY SURVEYING & ENGINEERING		335 SECOND CROWN POINT RD	BARRINGTON	NH	03825



**Michelle Shields
Design**
Smart Creative Architecture
www.MichelleShieldsDesign.com

6 Rudolph Avenue
Kittery, Maine 03904
207-438-9829
Cell: 207-752-7623

PROJECT:

Susan Norman
Residence

SITE:

71 Bayview Road
Dover, NH

ISSUED FOR:

Variance Review

ISSUE DATE:

June 23, 2019

SCALE:

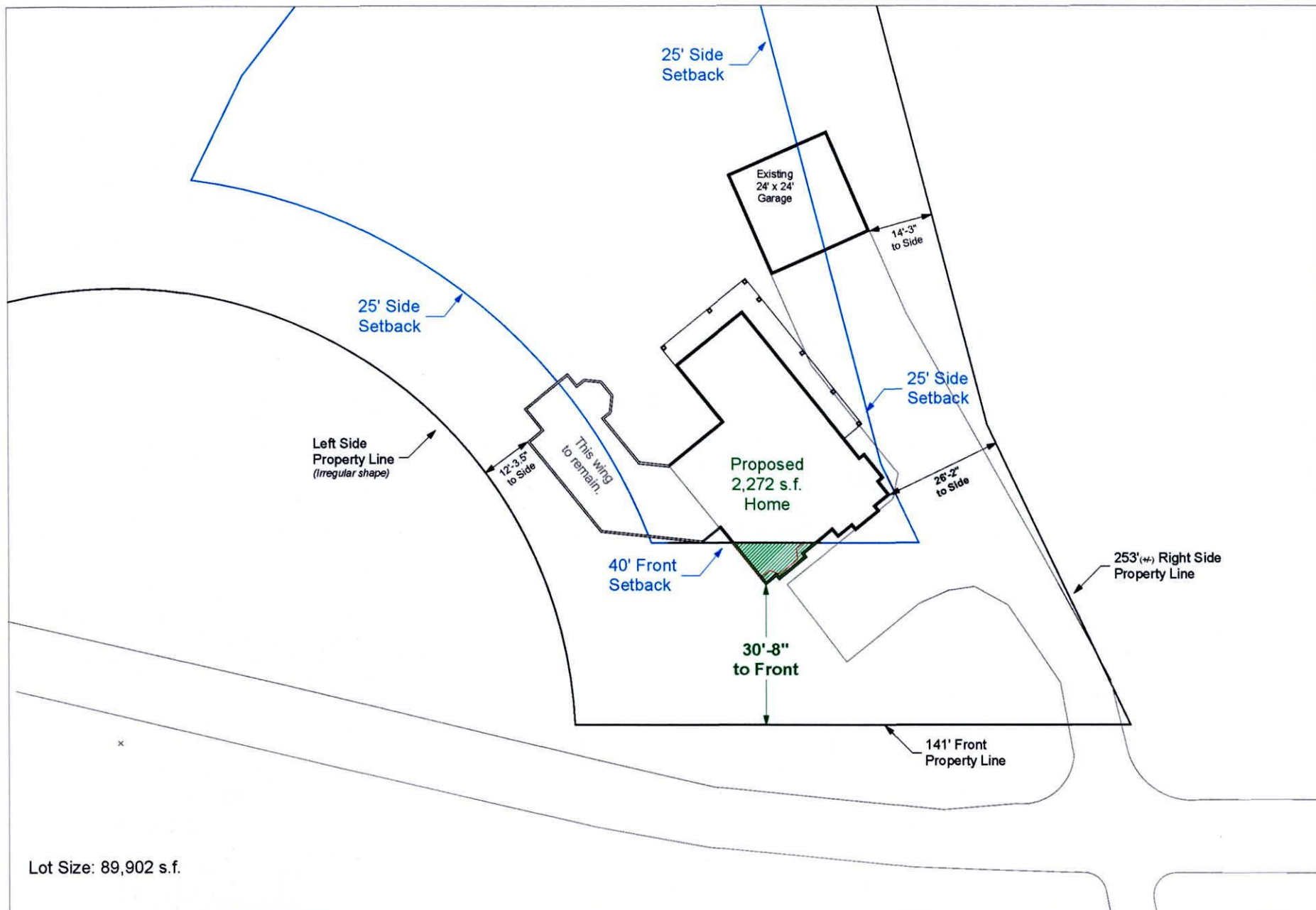
1" = 30'-0"

TITLE:

Existing
Site Detail

SHEET:

E1



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PROJECT:

**Susan Norman
Residence**

SITE:

**71 Bayview Road
Dover, NH**

ISSUED FOR:

Variance Review

ISSUE DATE:

June 23, 2019

SCALE:

1" = 30'-0"

TITLE:

**Proposed
Site Detail**

SHEET:

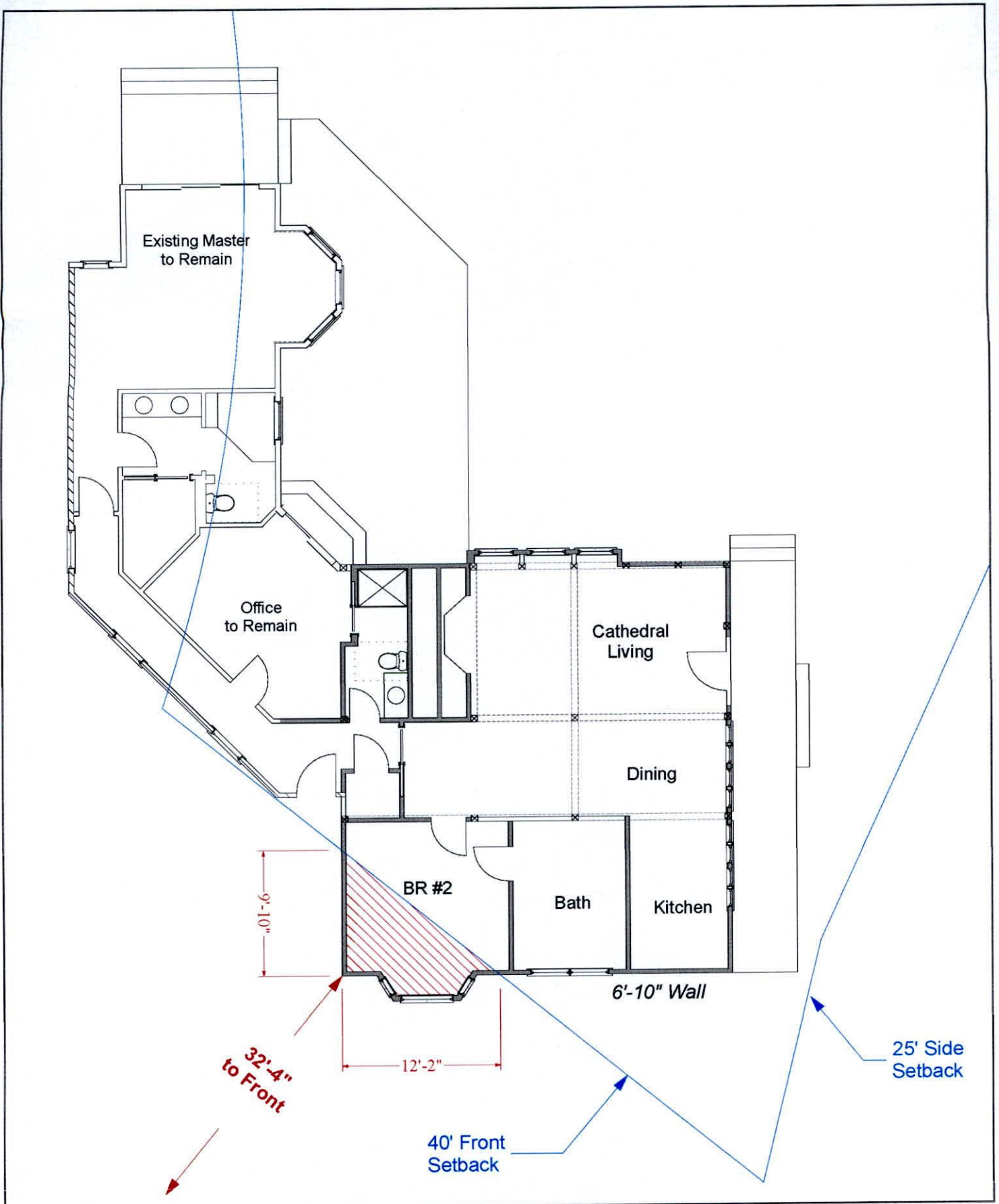
P1



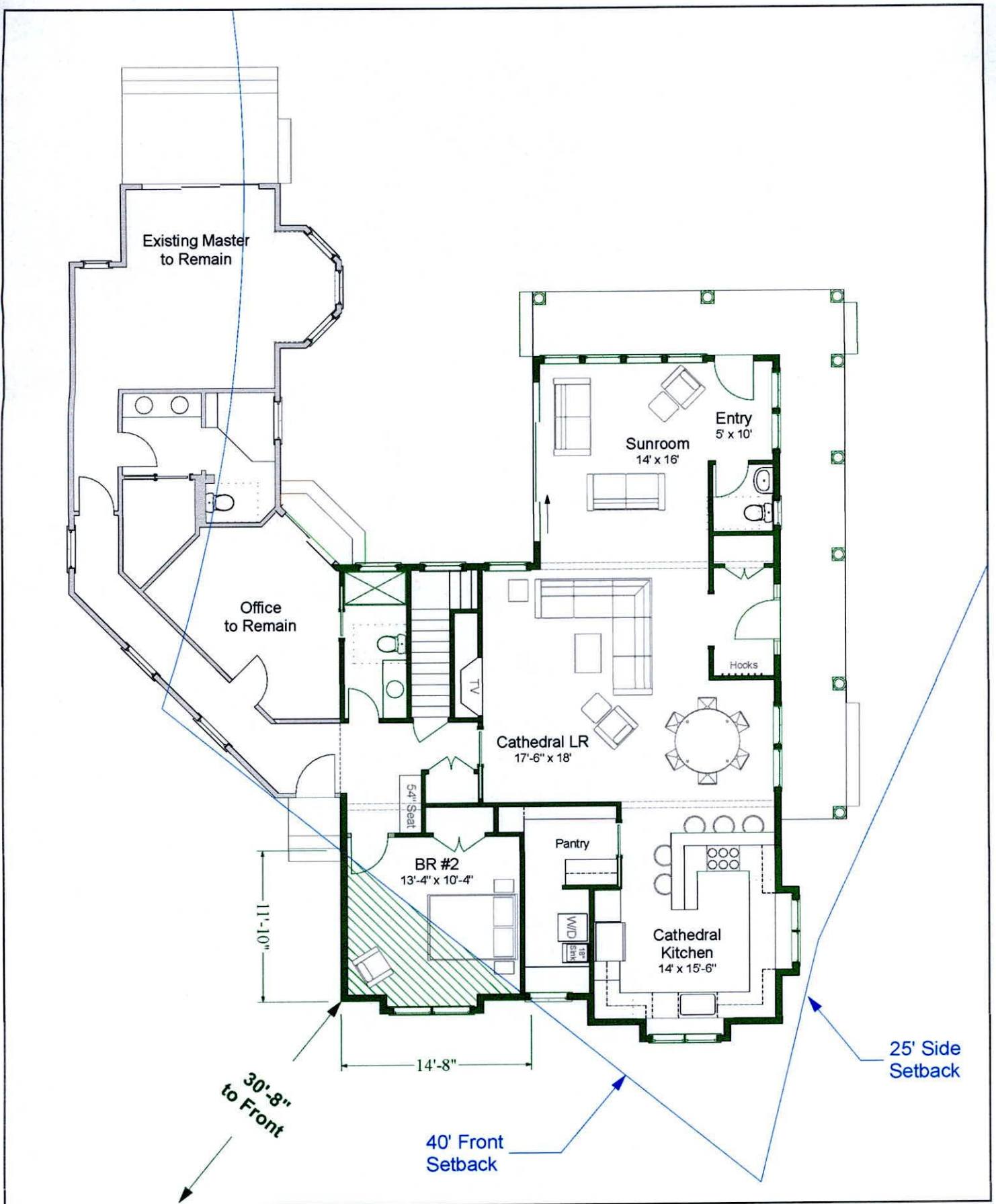
Michelle Shields Design Smart Creative Architecture www.MichelleShieldsDesign.com	6 Rudolph Avenue Kittery, Maine 03904 207-438-9829 Cell: 207-752-7623	<u>PROJECT:</u> Susan Norman Residence	<u>SITE:</u> 71 Bayview Road Dover, NH	<u>ISSUED FOR:</u> Variance Review <u>ISSUE DATE:</u> June 23, 2019	<u>SCALE:</u> None	<u>TITLE:</u> Existing Photos	<u>SHEET:</u> E2
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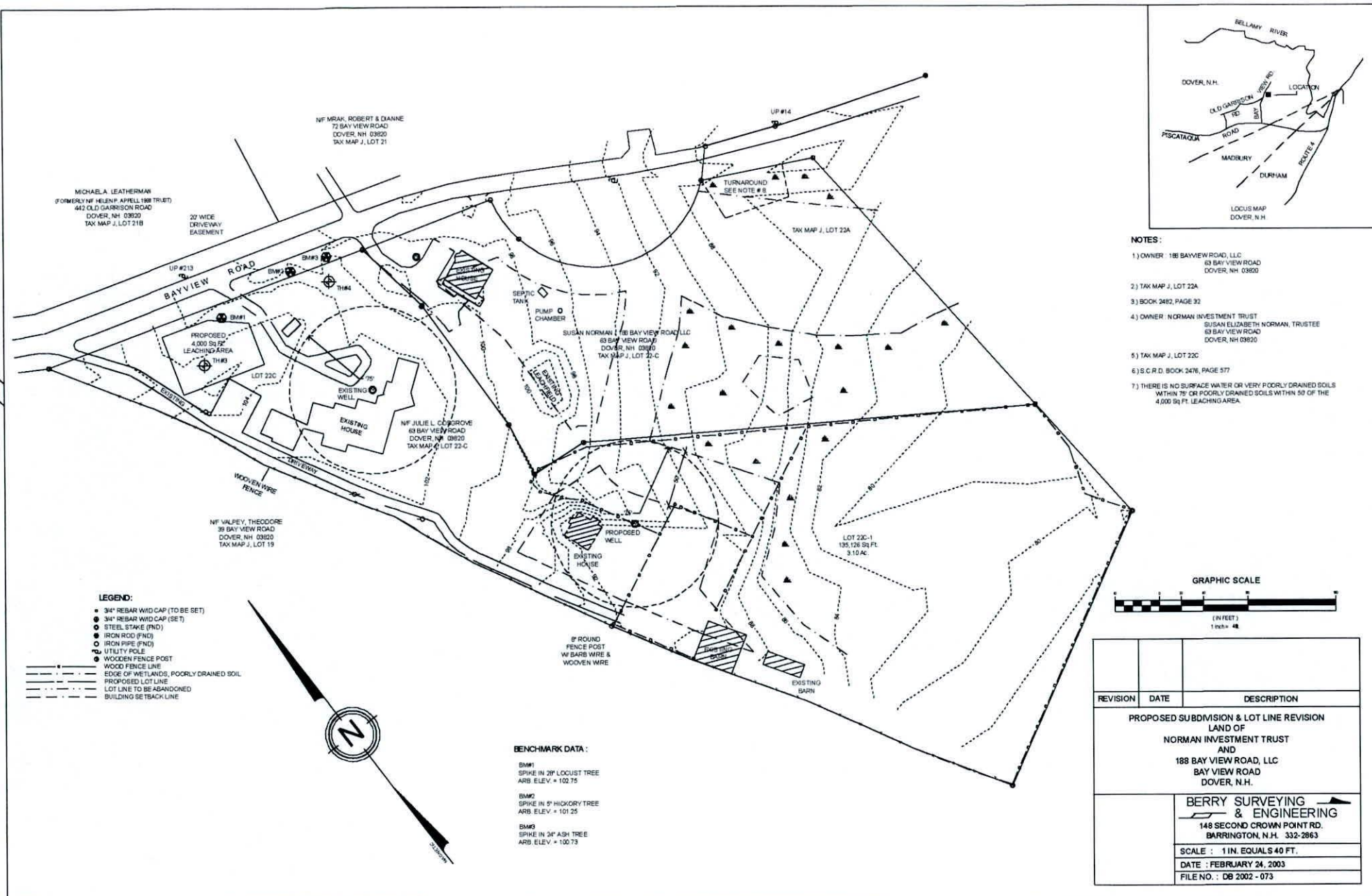
Michelle Shields Design Smart Creative Architecture www.MichelleShieldsDesign.com	6 Rudolph Avenue Kittery, Maine 03904 207-438-9829 Cell: 207-752-7623	PROJECT: Susan Norman Residence	SITE: 71 Bayview Road Dover, NH	ISSUED FOR: Variance Review	SCALE: None	TITLE: Proposed Renderings	SHEET: P2
				ISSUE DATE: June 23, 2019			



Michelle Shields Design Smart Creative Architecture www.MichelleShieldsDesign.com	PROJECT: Norman Residence	SITE: 71 Bayview Road Dover, New Hampshire	ISSUED FOR: Variance Review DATE: June 24, 2019	SCALE: 1" = 10'-0" (Letter)	TITLE: Existing First Floor	SHEET: E3
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Michelle Shields Design Smart Creative Architecture www.MichelleShieldsDesign.com	6 Rudolph Avenue Kittery, Maine 03904 207-438-9829 Cell: 207-752-7623	PROJECT: Norman Residence	SITE: 71 Bayview Road Dover, New Hampshire	ISSUED FOR: Variance Review DATE: June 24, 2019	SCALE: 1" = 10'-0" (Letter)	TITLE: Proposed First Floor	SHEET: P3
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REVISION	DATE	DESCRIPTION
PROPOSED SUBDIVISION & LOT LINE REVISION LAND OF NORMAN INVESTMENT TRUST AND 188 BAY VIEW ROAD, LLC BAY VIEW ROAD DOVER, N.H.		
		BERRY SURVEYING & ENGINEERING 148 SECOND CROWN POINT RD. BARRINGTON, N.H. 332-2863
		SCALE : 1 IN. EQUALS 40 FT.
		DATE : FEBRUARY 24, 2003
		FILE NO. : DB 2002 - 073