



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, August 15, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF JULY 18, 2019

3. HEARINGS

- A. Z19-09 Applicant/Owner Joseph DiGregorio, 107 Mast Road (Tax Map I, Lot 54-A-4), requests a variance from **Section 170-12.B** to permit the conversion of the second story of an attached garage to a bedroom, where the property was previously granted a variance (Z95-18) to permit the garage to have a side setback of 12' 6", with the condition that there would be no living space above the garage. The minimum side setback is 15 feet.
- B. Z19-11 Applicant/Owner Quantum Real Estate Group, LLC, Littleworth Road (Tax Map H, Lot 29-A-3), requests a variance from **Section 170-12.A** to permit a self-service storage facility, where self-storage facilities are not a permitted use in the Low Density Residential (R-20) Zoning District.

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: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Thursday, July 18, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior, Otis Perry, Rich Onufry (Alternate), Nick Couturier (Alternate)

Members Absent (Excused): George Reagan, Frank Landford, Anthony Sillitta (Alternate)

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

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

2. APPROVAL OF MEETING MINUTES OF JUNE 20, 2019

Motion: Otis Perry moved to approve the minutes of June 20, 2019 as submitted. Seconded by Nick Couturier.
Vote: U/A

3. ELECTION OF VICE CHAIR

Chair Prior explained Bob Hall resigned from the board at the previous meeting.

Motion: Otis Perry moved to delay this item until after the hearing. Rich Onufry seconded. U/A

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.

Chair Prior explained the ZBA process and stated that there are only two regular members and two alternates present this evening. There is a quorum present, but typically there are five voting members. The application will need three votes in favor to be approved. The applicant can choose to proceed or to defer.

Susan Norman, owner and applicant chose to proceed and presented the case. She explained the variance request to take down a portion of her home which is in poor condition. This will reduce the front setback by about two feet from its current location. She explained the details of the project.

Public hearing opened.

Bob Mrak, 72 Bay View Rd came tonight to find out about the project. He also mentioned there might be a discrepancy in the City records regarding a 'turn-around' described in the paperwork that is actually part of his property. He would like that fixed and to be notified when it has been. He has no problems with the project.

STAFF RECOMMENDATION:

Document Created by: Planning Department
Document Posted on: July 22, 2019

2019.07.18 ZoningBoardofAdjustment.Minutes
Page 1 of 1

 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, July 18, 2019 Meeting Time: 7:00 pm
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Assistant City Planner Elena Piekut stated the planning department supports the request. It's a reasonable use of the property and there is a hardship component relative to the setback.

Public hearing closed.

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

The board returned to the topic of electing a Vice Chair.

Otis Perry nominated George Reagan. Nick Couturier seconded the nomination.

Board members voted by ballot and it was determined George Reagan was unanimously voted as Vice Chair.

Otis Perry had some issues with the application paperwork and suggested the paperwork be reviewed more closely so that confusing elements are not included.

Otis Perry mentioned the City has met with the attorney regarding the tower property. There is a possibility of a settlement. Assistant City Planner Elena Piekut will communicate with board members about a potential meeting next week on the matter.

Motion: Otis Perry moved to adjourn at 7:20 PM. Seconded by Nick Couturier. Vote U/A

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 – 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 the conversion of storage to a bedroom in a structure with a reduced side setback.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-A

ZONING DISTRICT: Medium Density Residential (R-12) Zoning District

FILE: Z19-09

APPLICANT/OWNER: Joseph DiGregorio

LOCATION: 107 Mast Road (Tax Map I, Lot 54-A-4)

ACREAGE: 0.5 acre (21,780 sq. ft.)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwelling

SURROUNDING LAND USE: Single-family dwellings

PREVIOUS ZBA ACTION: Z95-18, variance granted to permit a reduced side setback for new addition, conditional that it not be used as living space

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 north side of Mast Road, east of Durham Road, located in the Medium Density Residential (R-12) Zoning District. The applicant requests a variance to permit a reduced side setback.

REASON FOR STAFF RECOMMENDATION

In 1995, this property was granted a variance to allow a reduced side setback. At the time, the minimum setback was 20 feet and 12 feet, six inches was approved by the Zoning Board with the condition that the second-story space above the garage addition remain storage and not be converted to living space.

Today, the property owner wishes to convert this space to a bedroom. Since 1995, the side setback has been reduced to 15 feet. The structure exists at the proposed setback, but a variance is required due to the condition of approval imposed in 1995. The conversion will be nearly imperceptible to abutters and is a reasonable use of the property.

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.

107 Mast Road

**Property Information**

Property ID I0051-A00004
Location 107 MAST RD
Owner DIGREGORIO JOSEPH S SR
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]

Office Use Only	Case #:	<u>Z19-09</u>	Date Received:	RECEIVED Planning Office JUL 08 2019 Dover, New Hampshire
	Amount Paid:	<u>\$4983</u> <u>\$310.00</u>	Time Received:	

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: JOSEPH DI GREGORIO Phone # 603 749-3108

Address of Applicant: 107 MAST ROAD DOVER, N.H.

E-Mail Address: MCINSTRUCTOR@COMCAST.NET

PROPERTY OWNER (if different from applicant): _____

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 107 MAST ROAD

Brief Directions: FROM RTE 108 TRAVEL EAST APPROX
1/2 MILE TO RESIDENCE

Zoning District: R-12 Assessor's Map # 1 Lot(s) # 54-A-4

TYPE OF APPEAL: (Please check one)

- | | |
|--|---|
| ☒ Variance | from Section <u>12</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:

CONVERT STORAGE ROOM ABOVE ATTACHED
GARAGE INTO BEDROOM. ACCESS THRU
CURRENT BEDROOM/DEN ON FIRST FLOOR
OF THE RESIDENCE.

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) _____ of the Zoning Ordinance to permit:

CONVERT STORAGE ROOM ABOVE ATTACHED
GARAGE INTO BEDROOM.

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:

IT WILL NOT CHANGE THE FOOTPRINT OF THE
BUILDING AND IS WITHIN THE 15 FOOT
SIDE SET. APPROXIMATE DISTANCE TO BOUNDARY
IS 10 FEET

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

THE ORDINANCE HAS CHANGED SINCE THE GARAGE
WAS ADDED IN 1995. AT THAT TIME THE
SIDE SET WAS 20 FEET AND A VARIANCE
WAS GRANTED FOR GARAGE ONLY. NO LIVING
SPACE

3. Granting the variance would do substantial justice because:

IT WOULD ALLOW FIRST FLOOR LIVING W/O CHANGING
THE OUTER DESIGN OF THE HOME
WILL ONLY ADD APPROXIMATELY 200 SQUARE FEET
OF ADDITIONAL LIVING SPACE → 270

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

THE APPEARANCE OF THE HOME WILL NOT
RESULT IN AN ADDITIONAL FOOTPRINT

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:

NONE

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:

THERE WILL BE NO ADDITIONAL ADD-ON TO THE
BUILDING.

and

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

THE ROOM ALREADY EXISTS.

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*

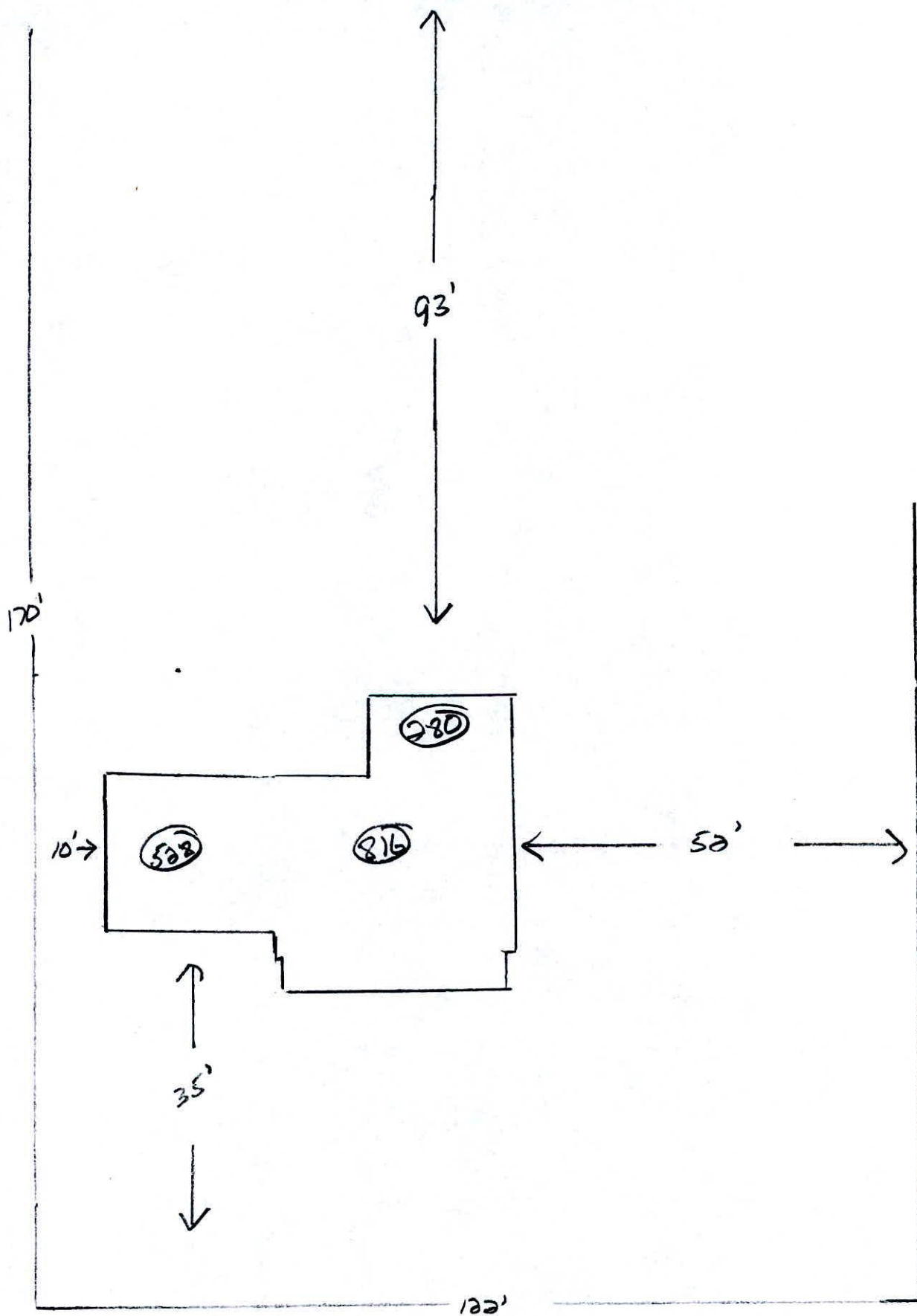
*Both Signatures Required

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:

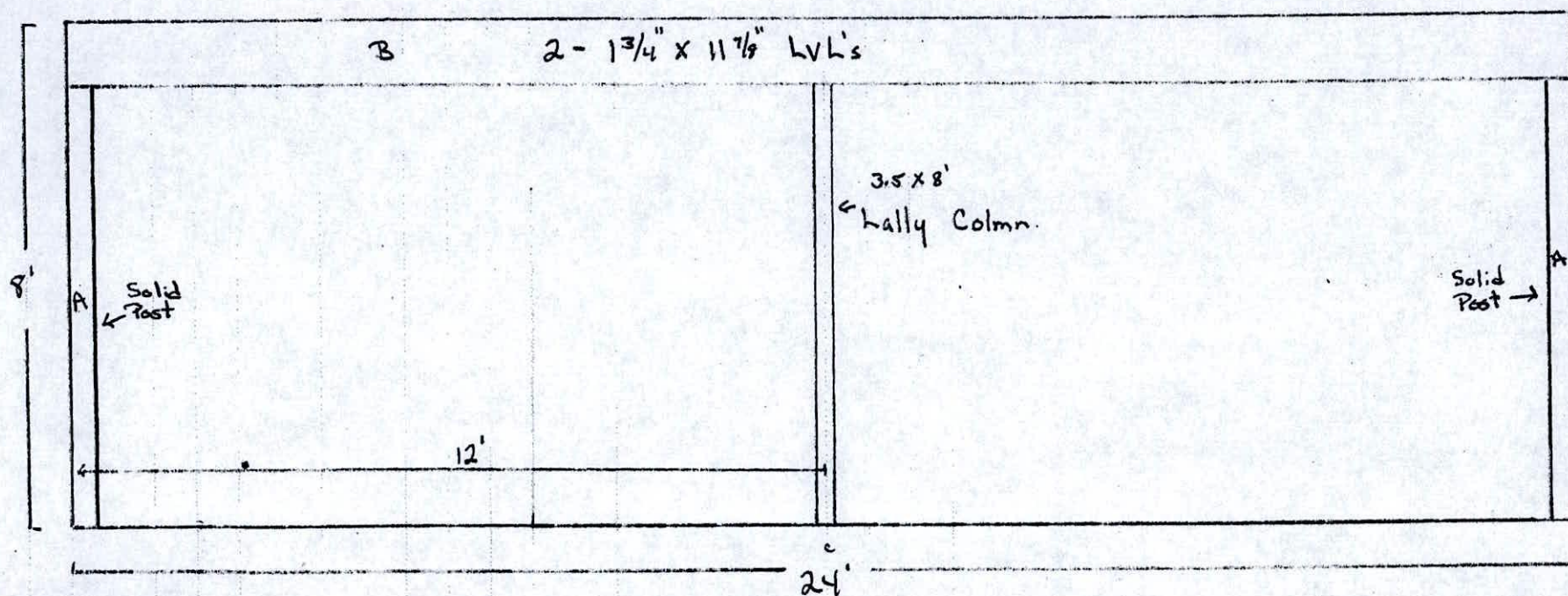
Date:



FRONT

SCALE 1" = 20'

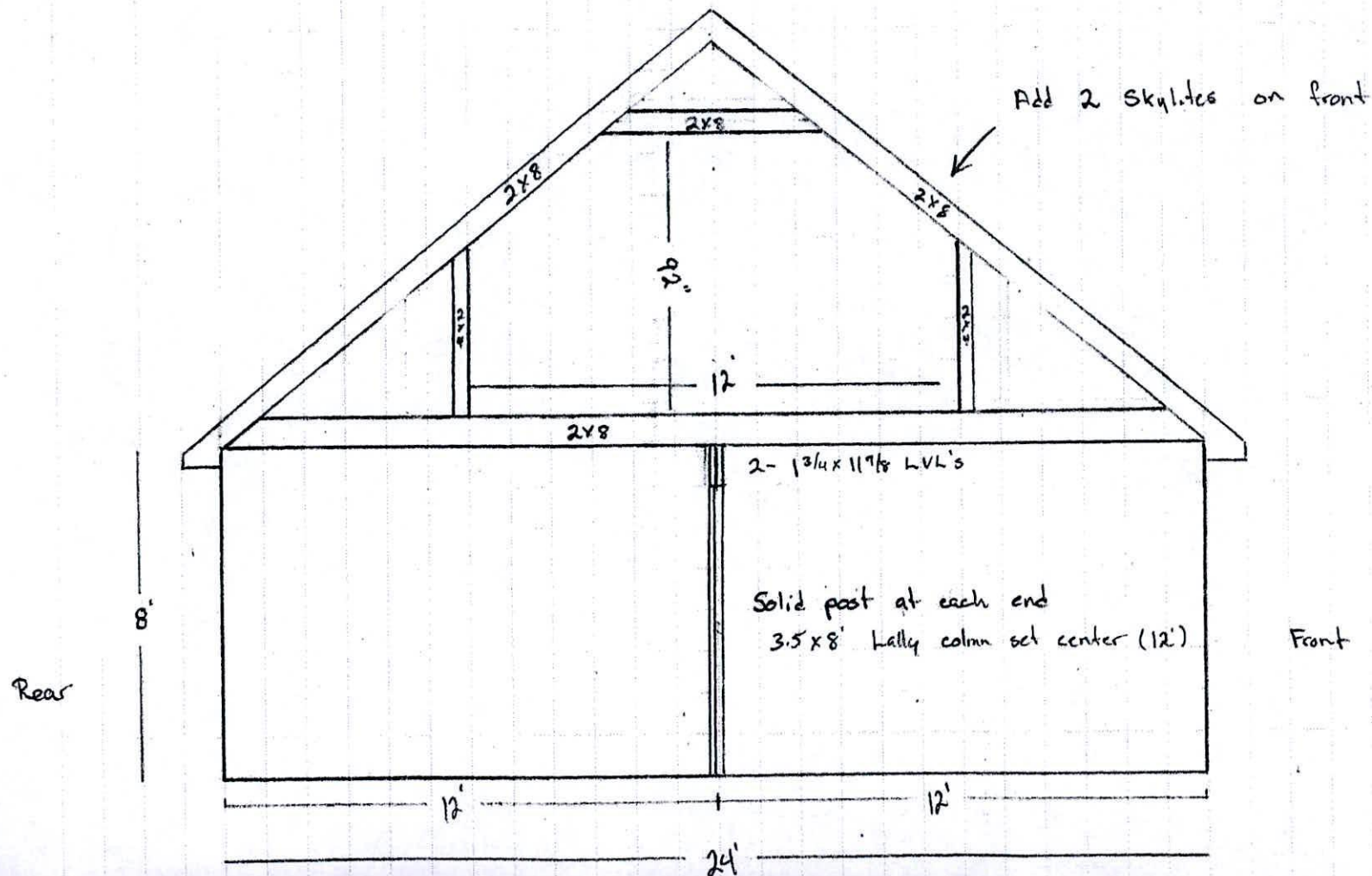
- A) Open wall set solid post under LVL
B) Carrying stick 2- $1\frac{3}{4}" \times 11\frac{7}{8}" \times 24'$
Set 3.5 x 8' Lally colmn. at 12', anchor base plate to floor.



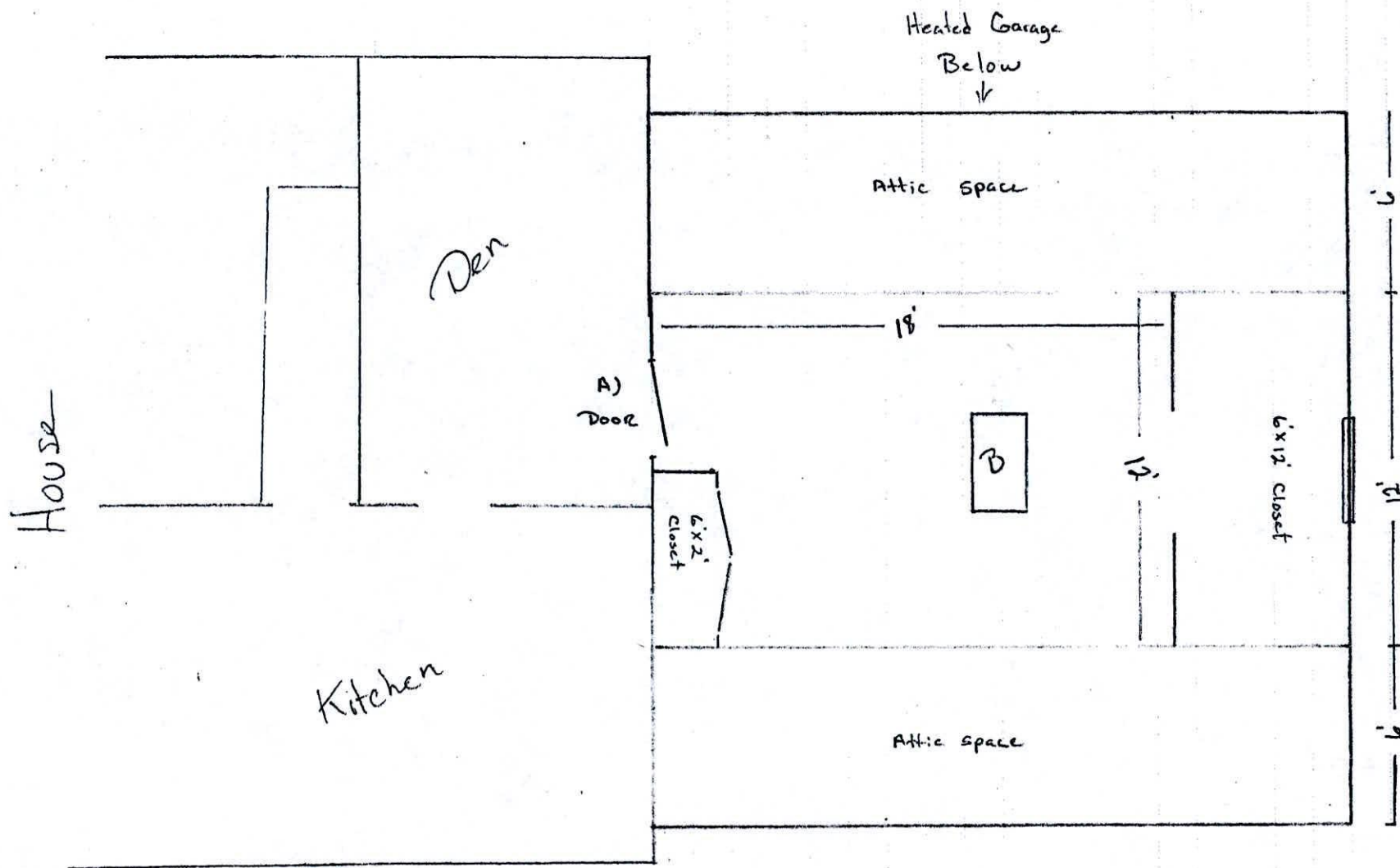
Garage

Finish walls with 1/2 drywall

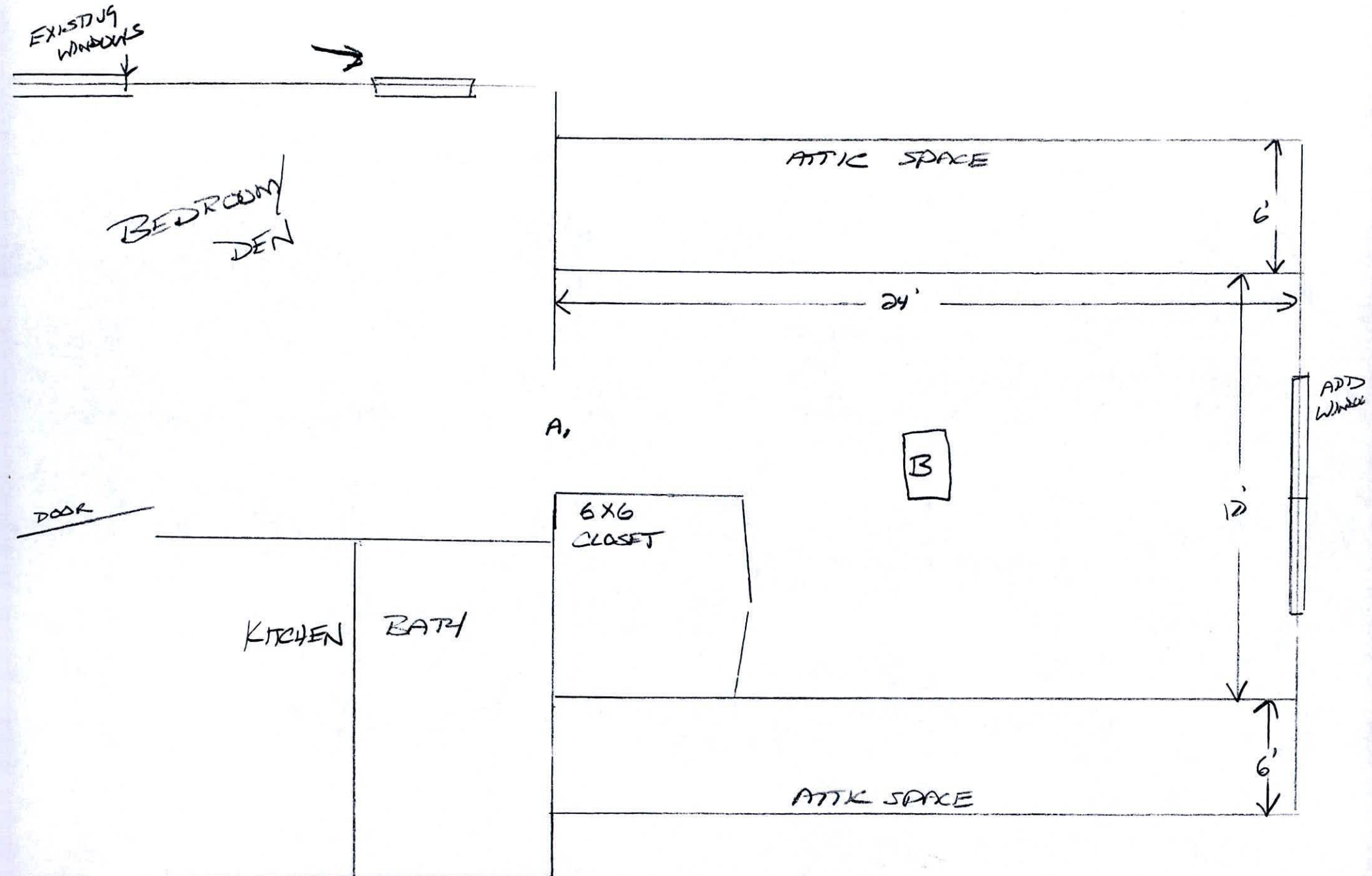
Finish walls with 1/2 drywall

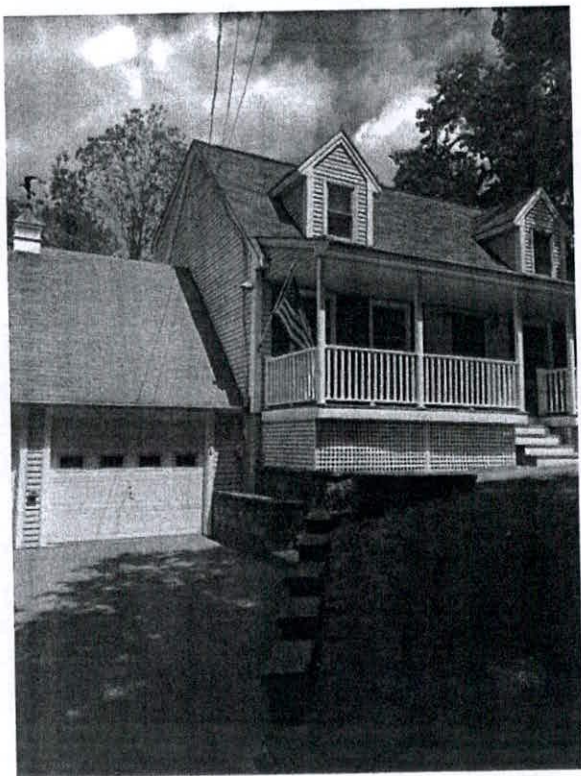


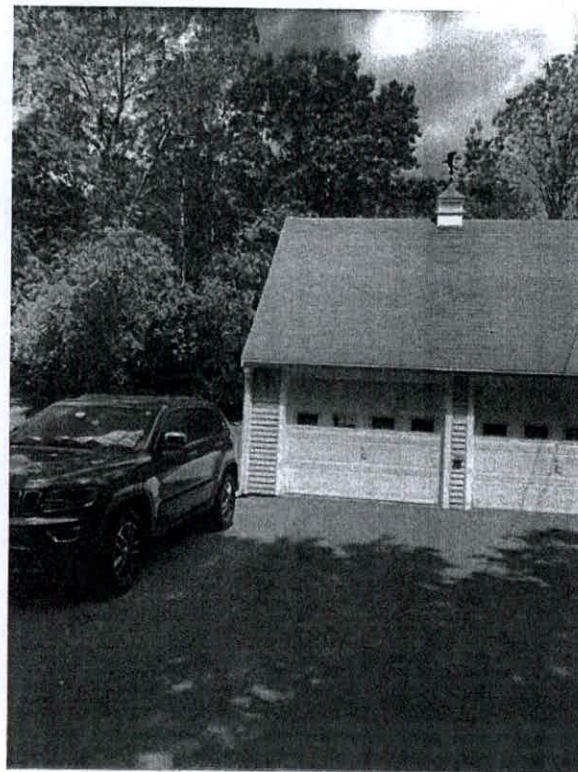
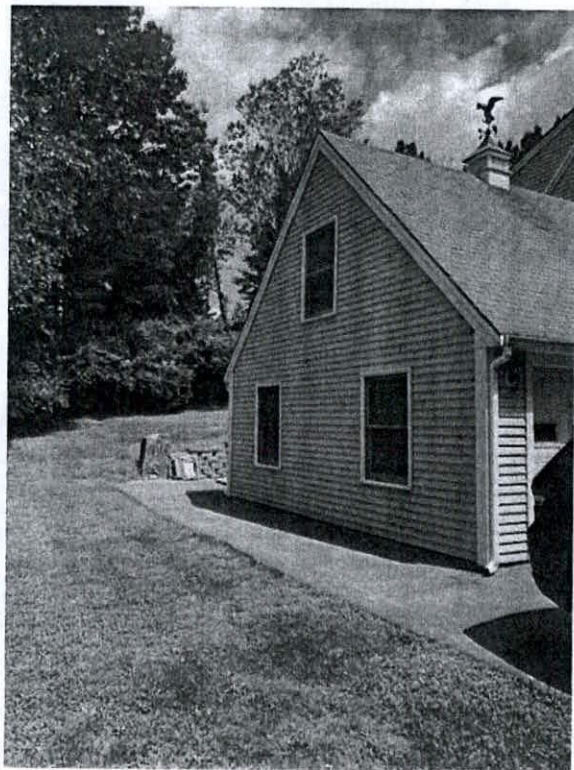
A) Open wall and frame in a '2'8" x 6'8" door into new room from Den.
B) Remove and close off pull down stairs from garage.

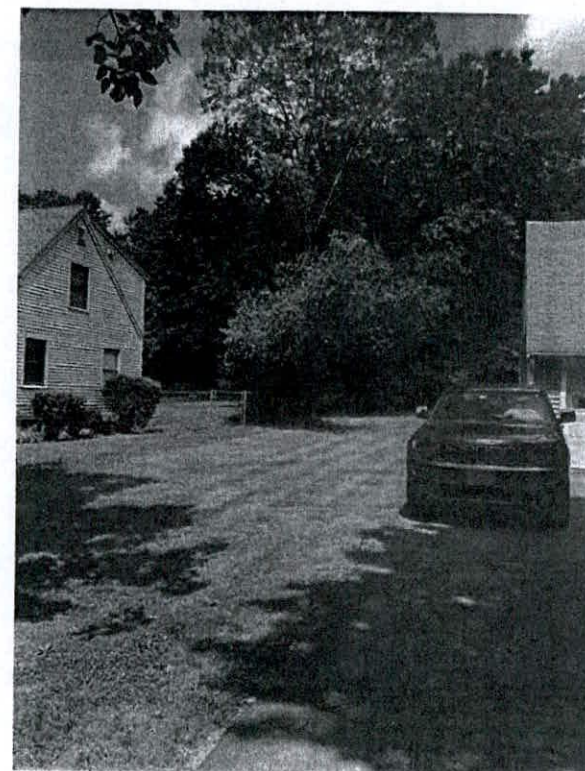


- A. OPEN UP THE ATTIC SPACE IN THE 24' X 6' 6" QUEENING
B. REMOVE AND CLOSE OFF PULL DOWN STAIRS FROM GARAGE
C. HEATED GARAGE BELOW









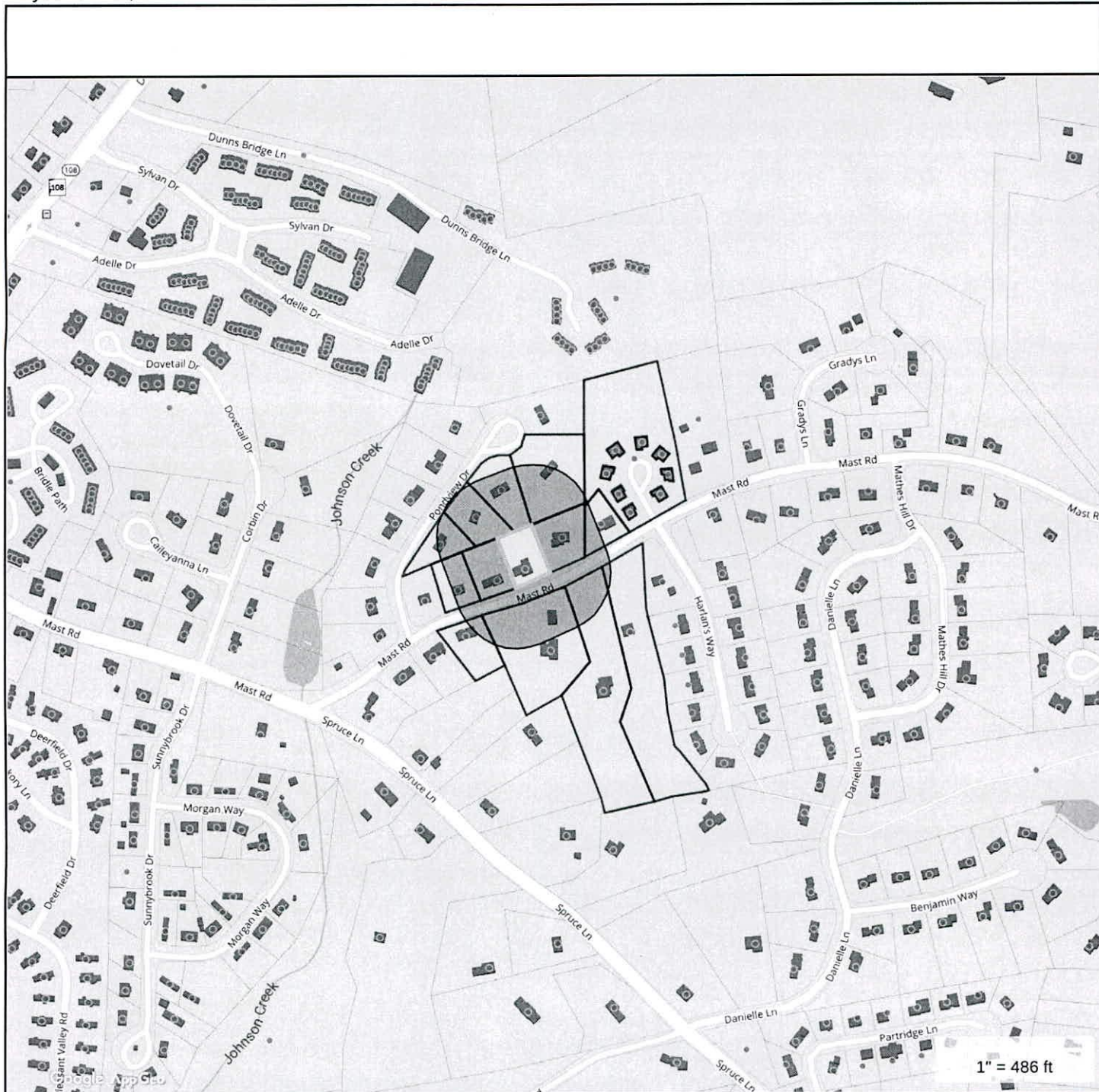
219-09 Joseph DiGregorio - Variance

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 # 1 of x \$8.00 =
 2. Certified letters fee: # of abutters 14 X \$8.00 = \$ 120
 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 1 x \$10.00 = \$ 10
- G. **TOTAL FEE** paid by cash or check made payable to "City of Dover"
1. Application fee of:
 - \$100.00 VARIANCE (per Section requested) \$ 100.00
 - \$100.00 SPECIAL EXCEPTION \$ _____
 - \$100.00 APPEAL FROM ADMINISTRATIVE DECISION \$ _____
 - \$100.00 EQUITABLE WAIVER \$ _____
 2. Foster's newspaper public notice \$ 80.00

TOTAL FEE \$ 310.00

*Paid
check #4983
on 7/8/19*

**Property Information**

Property ID I0051-A00004
Location 107 MAST RD
Owner DIGREGORIO JOSEPH S SR
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

Z19-09

107 Mast Road

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
I0031-003000	114 MAST RD	CAHOON BRYAN J	CAHOON MARY MARGARET	114 MAST RD	DOVER	NH	03820
I0033-A00000	108 MAST RD	HILL JONATHAN G &	HILL KATE M	108 MAST RD	DOVER	NH	03820
I0033-D00000	98 MAST RD	LARSON STEPHEN ROBERT &	BONNEY MARTHA	98 MAST RD	DOVER	NH	03820
I0033-E00000	88 MAST RD	GITSCHIER DEBRA	GITSCHIER WILLIAM E	88 MAST ROAD	DOVER	NH	03820
I0051-000000	SOUTHWOOD DR	STF DEVELOPMENT CORP		242 CENTRAL AVE	DOVER	NH	03820
I0051-001000	91 MAST RD	RUOCCO RALPH J	RUOCCO PATRICIA A	91 MAST RD	DOVER	NH	03820
I0051-A00002	117 MAST RD	PAOLETTI GINO J &	PAOLETTI HEATHER	117 MAST RD	DOVER	NH	03820
I0051-A00003	113 MAST RD	EDSON RICHARD & KANDI TRUSTEES	EDSON RICHARD AND KANDI REVOCABLE TRUSTS	28 HENDERSON RD	GILFORD	NH	03249
I0051-A00005	103 MAST RD	FROST COLIN C &	FROST SHERRY A	103 MAST RD	DOVER	NH	03820
I0051-A00013	21 PONDVIEW DR	SCHWAB JEAN A TRUSTEE	SCHWAB JEAN A REVOCABLE TRUST	21 PONDVIEW DR	DOVER	NH	03820
I0051-A00014	17 PONDVIEW DR	KAZMIERCZAK MICHAEL A	KAZMIERCZAK CARYN M	17 PONDVIEW DR	DOVER	NH	03820
I0051-A00015	15 PONDVIEW DR	NICHOLS MARK W &	CRILLEY SUZANNE M	15 PONDVIEW DR	DOVER	NH	03820-4483
I0051-A00016	9 PONDVIEW DR	ANGELL HELEN W		9 PONDVIEW DR	DOVER	NH	03820
I0051-A00004	107 MAST RD	DIGREGORIO JOSEPH S SR	DIGREGORIO LAURIE S	107 MAST RD	DOVER	NH	03820



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 self-service storage facility.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-B

ZONING DISTRICT: Low Density Residential (R-20) Zoning District

FILE: Z19-11

APPLICANT/OWNER: Quantum Real Estate Group, LLC

LOCATION: Littleworth Road (Tax Map H, Lot 29-A-3)

ACREAGE: 3.97 ac (172,933 sq. ft.)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Self-service storage facility

SURROUNDING LAND USE: Vacant, residential, agricultural, commercial

PREVIOUS ZBA ACTION: Z17-12, variance granted with conditions to permit a front setback of 35 feet where a build-to line is required.

PLANNING BOARD APPROVAL REQUIRED: Yes

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 Littleworth Road, adjacent to North Country Tractor. The applicant requests a variance to permit the proposed use, a self-service storage facility, where the use is not permitted in the Low Density Residential (R-20) Zoning District.

REASON FOR STAFF RECOMMENDATION

The proposed location is on a busy state highway and directly abuts the Hotel/Retail (B-4) Zoning District as well as commercial uses such as North Country Tractor, Sherwood Landscaping, KC Paving, and a farm. As such, the City's Rezoning Committee has proposed rezoning this area to Rural Restricted Industrial (I-2), which does permit the self-service storage facility use via conditional use permit. The Planning Board and City Council will consider this potential amendment over the next several months.

Given the surrounding context and potential rezoning, the proposed use is a reasonable one. The location is set well back from the road, minimizing visibility, and the use is very low-impact in terms of traffic, noise, etc. It is unlikely to have any negative effect on the value of surrounding properties, most of which are also commercial in nature.

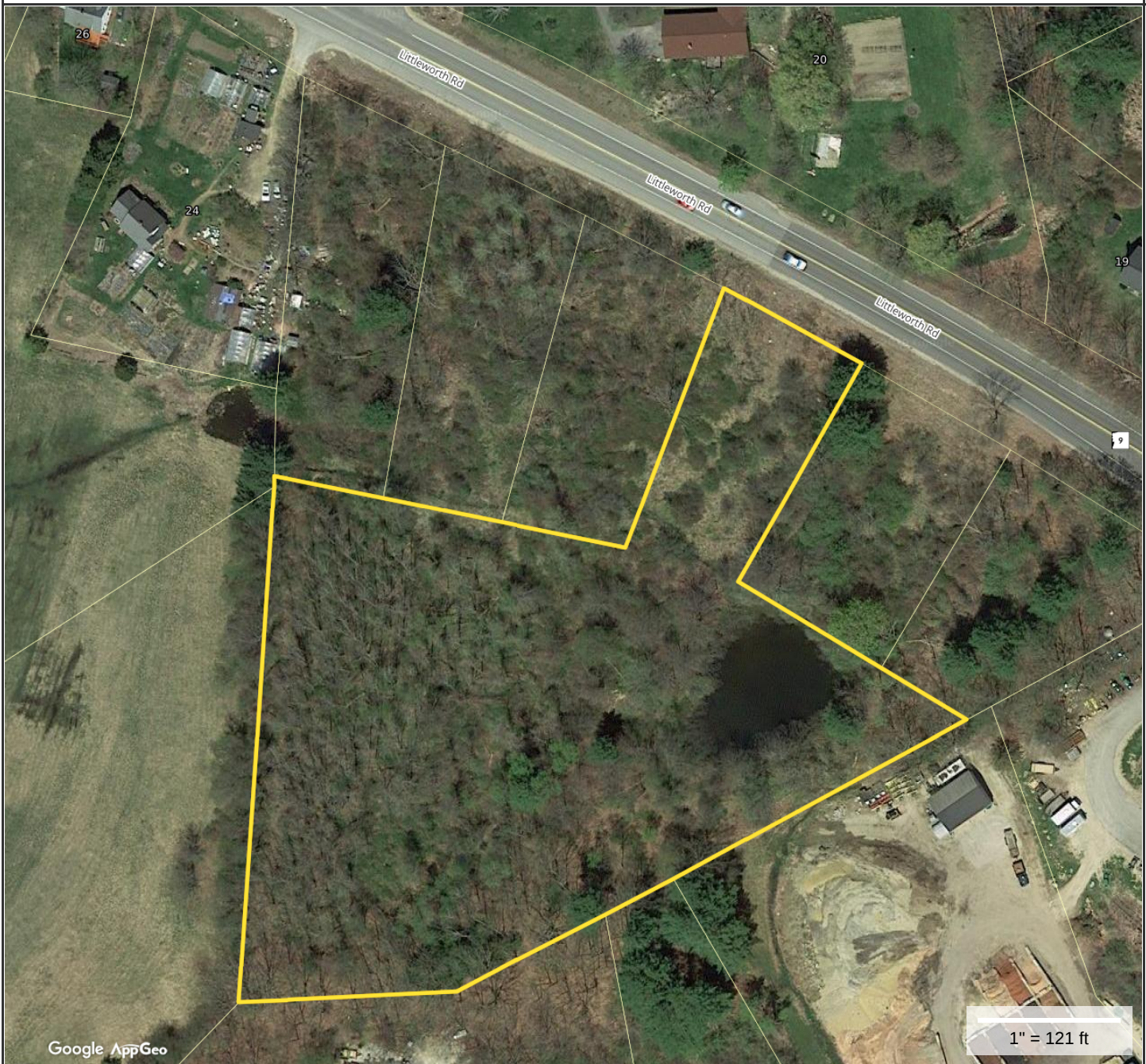
Where the I-2 Zoning District provides for self-service storage facilities only where specific conditions are met, staff recommends that the Board impose similar conditions in granting the variance.

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 with the following conditions:

1. Buildings shall be located perpendicular to the street, with no storage unit doors facing the street.
2. Buildings shall adhere to the architectural design guidelines of Section 149-14.L(8)(b) of the Dover Code.

Littleworth Road

**Property Information**

Property ID H0029-A00003
Location LITTLEWORTH RD
Owner QUANTUM REAL ESTATE GROUP LLC
Land Use 130

**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]

Office Use Only Case #:

219-11

Date Received:

RECEIVED
Planning Office

JUL 25 2019

Amount Paid: \$

Time Received:

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Quantum Real Estate Group, LLC Phone # (603)-742-8107

Address of Applicant: 755 Central Avenue, Dover, NH 03820

E-Mail Address: rjs@tritecheng.com

PROPERTY OWNER (if different from applicant): _____

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: Littleworth Road, Dover, NH 03820

Brief Directions: From the Route 155 & Route 9 intersection, proceed 1,360 feet west on Route 9.

The Site is on the left, just to the west of John Deere

Zoning District: R-20 Assessor's Map # H Lot(s) # 29A-3

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-11</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 construct 30,000 sq.ft of mini/self storage in multiple buildings.

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-11 of the Zoning Ordinance to permit:

To construct 30,000 sq.ft. of mini/self storage in multiple buildings, where mini/self storage is not a permitted use in the R-20 district

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:

See attached variance narrative

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

See attached variance narrative

3. Granting the variance would do substantial justice because:

See attached variance narrative

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

See attached variance narrative

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:

See attached variance narrative

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:

See attached variance narrative

and

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

See attached variance narrative

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

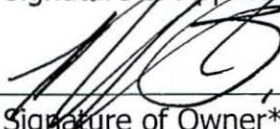
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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*

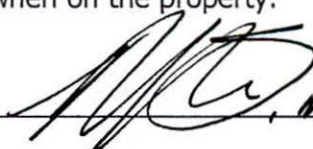

Signature of Owner*

*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:

 *MEMBER* Date: 02/28/2019

Quantum Real Estate Group, LLC

**Littleworth Road
Map H, Lot 29A-3**

APPLICATION FOR VARIANCE

Introduction

The property subject to this application is located on Littleworth Road and is depicted on the City's Tax Maps at Map H, Lot 29A-3. The property is within the R-20 District. The property is comprised of 3.974 acres. The parcel is unique, not only in its size, but also as to its zoning designation for residential use along Littleworth Road. The parcel is also surrounded by industrial and commercial uses and zones. The Applicant intends to construct 30,000 sq. ft/. of mini/self-storage.

Pursuant to Section 170-11 and the Table of Uses and Dimensional Requirements, the property is mainly restricted to the construction of residential uses. Given the location of the lot along Littleworth Road and considering the surrounding commercial and industrial uses and that the lot is directly adjacent to the B-4 District, it is believed that requiring a residential use on this particular lot is unreasonable and will result in an unnecessary hardship.

APPLICANT'S REQUEST FOR VARIANCES
FACTS SUPPORTING THIS REQUEST

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting orderly development in an area where previous commercial and industrial development has already occurred. In addition, by allowing the location of the low-impact development of storage, the project represents a context sensitive design, given the location of the commercial and industrial uses along Littleworth Road and the surrounding properties. As such, the proposed use will not be contrary to the public interest, as the use will not "alter the essential character of the locality." See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577 (2005). Granting the variance will permit the location of a use most appropriate within the parcel due to the surrounding area, and would not threaten the public health, safety or welfare.

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

The Applicant respectfully submits that if the variance is granted, the spirit of the ordinance would be observed because the variance would permit uses which are suitable for the property

considering the existing uses of the property, the location of the parcel, and given the surrounding commercial and industrial uses of properties. To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance's basic zoning objectives. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577, at 581 (2005). It is respectfully submitted, that given the reasons set forth above, the granting of the variance will promote the ordinance's basic and overall zoning objectives.

3. Granting the variance would do substantial justice because:

The grant of the variance would do substantial justice because it would allow the Applicant's property to be utilized in a reasonable fashion by allowing the location of low-impact commercial use adjacent to Littleworth Road. By doing so, and granting the variance, the use of the parcel will be more appropriate given the existing surrounding uses. This test considers whether the benefit to the Applicant outweighs the burden to the public. See Farrar v. City of Keene, 158 NH 684, 692 (2009). In this instance, given the proposed nature and location of the structures, there will be no burden to the public whatsoever. Accordingly, the benefit to the Applicant would exceed the burden to the public, thus resulting in substantial justice being done.

4. Explain how the proposal would not diminish the surrounding property values:

It is respectfully submitted that all of the surrounding properties have a value associated with them that is premised upon the existence of the same type of buildings to be located upon the Applicant's property. In this instance, the location of a low-impact commercial use with access to Littleworth Road, with adjacent commercial uses, will have no negative affect upon any abutter.

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:

As one can see from the Plan, the parcel in this case is located along a portion of Littleworth Road that is surrounded by commercial and industrial uses and the B-4 District. The R-20 District requires residential uses; however, it is unreasonable and unnecessary to require that residential structures be constructed on this particular parcel, considering the location of the property and the nature of this portion of Littleworth Road. The goals of the R-20 District, to promote future and to protect existing residential uses, will not be served by requiring a residential use on this parcel.

(ii) No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and

The general purpose of the ordinance is to promote orderly development and to protect the health, safety and general welfare of the public. In this instance, the Applicant seeks to locate a low-impact commercial use in an effort to promote orderly development consistent with surrounding existing commercial uses. The overriding purpose of the zoning ordinance is geared to context sensitive design, and, in this case the context appears to be commercial and industrial uses, and, thus, requiring a residential use is unnecessary. As such, with the grant of the variance, the purpose of the ordinance will be promoted, and given the nature of where this portion of the R-20 District falls, sandwiched between commercial and industrial uses, requiring residential structures on the lot seems unreasonable and would result in a hardship to the Applicant that would be unnecessary. Thus, the Applicant respectfully submits that there is no relationship at all between the general public purpose of the ordinance, and the specific application, which would require houses to be constructed closer to Littleworth Road.

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

The proposed use is reasonable because it provides for an appropriate low-impact commercial use in an area already surrounding by commercial and industrial uses and which is located adjacent to the existing B-4 commercial District.

TRITECH

ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820

TELEPHONE 603.742.8107
FACSIMILE 603.742.3830

July 25, 2019

RECEIVED
Planning Office

JUL 25 2019

Dover, New Hampshire

Christopher G. Parker, AICP
Director of Planning and Community Development
City of Dover, Planning Department
288 Central Avenue
Dover, New Hampshire 03820

Subject: Zoning Variance Request
Quantum Real Estate Group, LLC
Littleworth Rod
Tax Map H, Lot 29A-3
Dover, New Hampshire
Job No. 16144

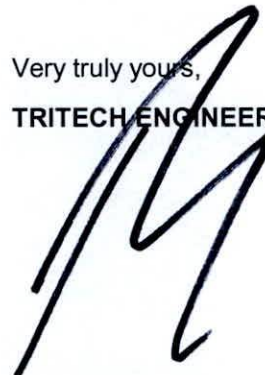
Dear Christopher;

Enclosed please find ten (10) full size copies of the **Zoning Variance Plans** (Z-B1, Z-B2 and Z-B1 with Arial Overlay) and ten (10) copies of the **ZBA Application with Variance Narrative** for the above referenced project. Also enclosed are 8 ½ x 11 copies of the above referenced plans and the application fee (\$188.00-Check #32799).

Please place this application on the August 15, 2019 Zoning Board of Adjustment agenda.

Please advise should you have any questions.

Very truly yours,
TRITECH ENGINEERING CORP.

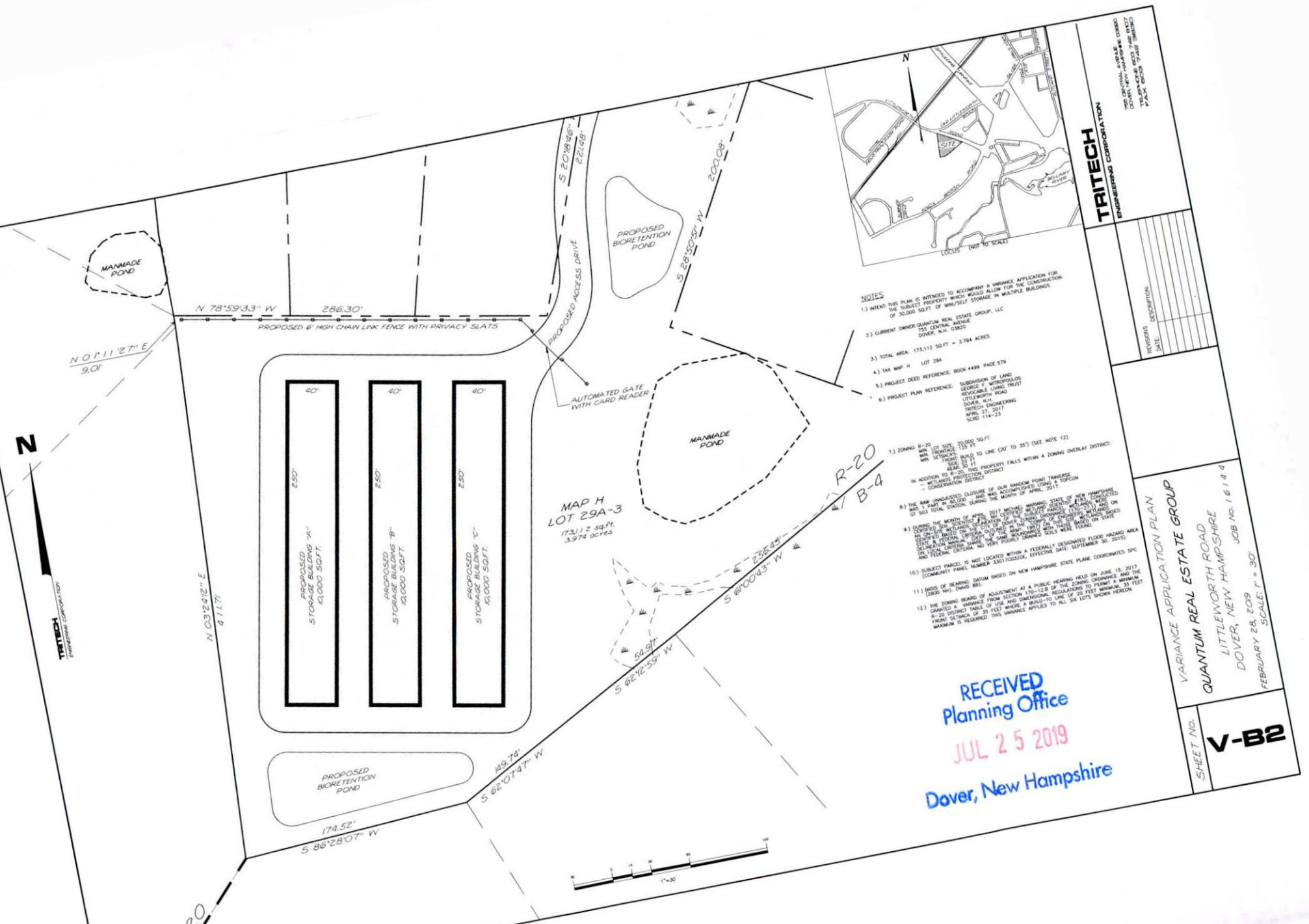


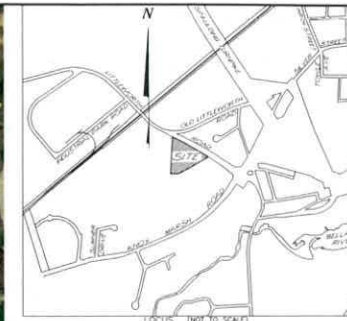
Robert J. Stowell, P.E., L.L.S.
President

RJS / rms

Enclosures

\\16144_ZBA_SubmissionLtr2.docx





NOTES

- 1) INCH THIS PLAN IS INTENDED TO ACCOMPANY A VARIANCE APPLICATION FOR THE SUBJECT PROPERTY WHICH WOULD ALLOW FOR THE CONSTRUCTION OF 30,000 SQ. FT. OF MAN/SELF STORAGE IN MULTIPLE BUILDINGS.
- 2) CURRENT OWNER QUANTUM REAL ESTATE GROUP, LLC
750 CENTRAL AVENUE
DOVER, N.H. 03820
- 3) TOTAL AREA: 173,112 SQ. FT. = 3.974 ACRES
- 4) TAX MAP: H LOT 29A-3
- 5) PROJECT DEED REFERENCE: BOOK 4499 PAGE 579
- 6) PROJECT PLAN REFERENCE: SUBDIVISION OF LAND
GEORGE F. MATROPOULOS
PRIVILEGE LIVING TRUST
LITTLEWORTH ROAD
DOVER, N.H.
TRITECH ENGINEERING
APRIL 27, 2017
5020 114-23
- 7) ZONING: R-20
MIN. LOT SIZE: 20,000 SQ. FT.
MIN. FRONTAGE: 125 FT.
MIN. SETBACKS:
FRONT: BUILD TO LINE (20' TO 35') (SEE NOTE 12)
SIDE: 30 FT.
REAR: 30 FT.
IN ADDITION TO R-20, THIS PROPERTY FALLS WITHIN A ZONING OVERLAY DISTRICT:
- WETLANDS PROTECTION DISTRICT
- CONSERVATION DISTRICT
- 8) THE RAN UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1.1 PART IN 10,000 AND WAS ACCOMPLISHED USING A TOPCON GT 503 TOTAL STATION, DURING THE MONTH OF APRIL, 2017.
- 9) DURING THE MONTH OF APRIL, 2017 MICHAEL WARRAND, STATE OF NEW HAMPSHIRE, CERTIFIED SOIL SCIENTIST #1, HAS IDENTIFIED WETLANDS SCIENTIST #111, CONDUCTED AN ON-SITE WETLANDS DETERMINATION OF THE SUBJECT PARCEL. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE (17:20-37) AND ON STATE & FEDERAL CRITERIA OUTLINED IN THE "CORPS OF ENGINEERS WETLANDS DETERMINATION MANUAL" (SEPTEMBER 1987) ON THIS SITE, WETLANDS BASED ON LOCAL CRITERIA SHARE THE SAME BOUNDARIES WITH THOSE BASED ON STATE AND FEDERAL CRITERIA. NO VERY POORLY DRAINED SOILS WERE FOUND.
- 10) SUBJECT PARCEL IS NOT LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA (COMMUNITY PANEL NUMBER 3301700320E, EFFECTIVE DATE, SEPTEMBER 30, 2015).
- 11) BASIS OF BEARING: DATUM BASED ON NEW HAMPSHIRE STATE PLANE COORDINATES SPC (2800 194), (NAD83).
- 12) THE ZONING BOARD OF ADJUSTMENT AT A PUBLIC HEARING HELD ON JUNE 15, 2017 GRANTED A VARIANCE FROM SECTION 170-12.2 OF THE ZONING ORDINANCE AND THE R-20 DISTRICT TABLE OF USE AND DIMENSIONAL REGULATIONS TO PERMIT A MINIMUM FRONT SETBACK OF 30 FEET WHERE A BUILD-TO LINE OF 20 FEET MINIMUM 35 FEET MAXIMUM IS REQUIRED. THIS VARIANCE APPLIES TO ALL SIX LOTS SHOWN HEREON.

TRITECH
ENGINEERING CORPORATION

REVISION
DATE DESCRIPTION

VARIANCE APPLICATION PLAN
QUANTUM REAL ESTATE GROUP
LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE
FEBRUARY 28, 2019 JCB No. 16144
SCALE: 1" = 50'

Z19-11 Littleworth Road

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
H0029-000000	20 OLD LITTLEWORTH RD	STILLWAGON BERNARD R LIFE ESTATE &	STOWE STILLWAGON RAMONA L	20 OLD LITTLEWORTH ROAD	DOVER	NH	03820-4333
H0029-005000	19 A LITTLEWORTH RD	CARMICHAEL CHARLES E JR & CHERYL TRUSTEE	CARMICHAEL FAMILY REVOCABLE TRUST OF 201	19A LITTLEWORTH ROAD	DOVER	NH	03820
H0029-A00000	LITTLEWORTH RD	QUANTUM REAL ESTATE GROUP LLC		755 CENTRAL AVE	DOVER	NH	03820
H0029-A00001	LITTLEWORTH RD	QUANTUM REAL ESTATE GROUP LLC		755 CENTRAL AVE	DOVER	NH	03820
H0029-A00002	LITTLEWORTH RD	QUANTUM REAL ESTATE GROUP LLC		755 CENTRAL AVE	DOVER	NH	03820
H0029-A00004	LITTLEWORTH RD	QUANTUM REAL ESTATE GROUP LLC		755 CENTRAL AVE	DOVER	NH	03820
H0029-A00005	LITTLEWORTH RD	QUANTUM REAL ESTATE GROUP LLC		755 CENTRAL AVE	DOVER	NH	03820
H0031-000000	30 LITTLEWORTH RD	SOUSANE RUTH K &	QUINLAN NANCY K	30 LITTLEWORTH RD	DOVER	NH	03820
H0031-A00000	24 LITTLEWORTH RD	SOUSANE DEBORAH		24 LITTLEWORTH ROAD	DOVER	NH	03820
H0032-A00001	55 KNOX MARSH RD	SHERWOOD ROBERT E & MARILYN A TRUSTEES	SHERWOOD ROBERT & MARILYN FAMILY REVOCAL	11 LISA BETH CIRCLE	DOVER	NH	03820
H0032-A00002	10 LITTLEWORTH RD	GONYOU PROPERTIES LLC		1862 NECTAR RD	THE VILLAGES	FL	32163-2136
H0033-000000	67 KNOX MARSH RD	COOPER KEVIN &	COOPER LYDIA A	85 KNOX MARSH ROAD	DOVER	NH	03820
H0033-A00000	85 KNOX MARSH RD	COOPER LYDIA	COOPER KEVIN	85 KNOX MARSH RD	DOVER	NH	03820
H0033-E00000	89 KNOX MARSH RD	QUINLAN DENIS J	QUINLAN NANCY K	89 KNOX MARSH RD	DOVER	NH	03820
H0029-A00003	LITTLEWORTH RD	QUANTUM REAL ESTATE GROUP LLC		755 CENTRAL AVE	DOVER	NH	03820
		TRITECH ENGINEERING CORPORATION	ROBERT J STOWELL, P.E., L.L.S.	755 CENTRAL AVE	DOVER	NH	03820