



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, November 21, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF OCTOBER 17, 2019

3. HEARINGS

- A. Z19-16 Applicant Dover Housing Authority and Owner Estate of Thomas Carroll, 7A Avon Avenue (Tax Map 33, Lot 64), located in the Medium Density Residential (R-12) Zoning District, request a variance from **Section 170-12.A** of the Zoning Ordinance to permit a single-family dwelling to be converted to a two-family dwelling where two-family dwellings are not permitted by right.
- B. Z19-17 Applicant/Owner Varney Brook Lands, LLC, Pointe Place (Tax Map K, Lot 19-4), located in the Executive Technology Park (ETP) Zoning District and Residential-Commercial Mixed Use (RCM) Overlay District, requests a variance from **Section 170-12.B** of the Zoning Ordinance to permit three of four lots to be subdivided from Lot 19-4 to fall under the minimum lot size. The ETP requires a minimum lot size of 3 acres, and the proposed lots range in size from approximately 1.6 to 1.8 acres.

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, October 17, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Otis Perry, Rich Onufry (Alternate), George Reagan (Vice Chair), Anthony Sillitta (Alternate), James Burdin (Alternate) Frank Landford

Members Absent (Excused): Chris Prior (Chair)

Members Absent (Unexcused): Nick Couturier

Staff Present: Christopher Parker (Assistant City Manager)

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

2. APPROVAL OF MEETING MINUTES OF SEPTEMBER 19, 2019 & SEPTEMBER 25, 2019

Motion: Otis Perry moved to approve the minutes of September 19, 2019 as submitted. Seconded by Rich Onufry. Vote: U/A

Motion: Rich Onufry moved to approve the minutes of the September 25, 2019 special meeting as submitted. Seconded by Anthony Sillitta. Vote: All in favor with Otis Perry abstaining.

3. HEARINGS

The Vice Chair explained the ZBA meeting process and stated James Burdin will vote for Chris Prior and Anthony Sillitta will vote for Nick Couturier.

A Z19-15 Applicant Jim Davis and Owner Todd Baker/Scioto Riverpark LLC, 23 Cataract Avenue (Tax Map 13, Lot 23), located in the Medium Density Residential (R-12) Zoning District, requests a variance from Section 170-32.A of the Zoning Ordinance to permit a wall sign of up to 24 square feet in area, where wall signs are not permitted.

Jim Davis, Pastor, from Great Bay Cavalry Church represented the applicant and presented the case. He explained there are multiple businesses in the building. The sign by the road lists all of the businesses, but there are no signs on the building noting where each business is located inside the building. The applicant is requesting a sign so they can be located by both visitors and emergency services.

The building owner was not present but did sign the form to approve the sign.

The variance criteria was addressed thoroughly in the application.

Discussion revealed the building is almost to capacity with the current tenants and another one coming in. The church probably utilizes the largest square footage of the building- depending on how much the new tenant will take.

Public hearing opened. No Public Spoke.



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, October 17, 2019
Meeting Time: 7:00 pm

STAFF RECOMMENDATION:

Christopher Parker stated the Planning Department supports granting the variance. It is a location with poor visibility and a while residents about the site, they will not be visually impacted by the additional signage.

Public hearing closed.

Motion: Frank Landford moved to approve the variance to permit the signage based on evidence presented and in the application. James Burdin seconded.

Otis Perry commented that a 16' sign is permitted, and he believes would accomplish the goals of the applicant. The applicant did not meet hardship criteria.

Vote 4-1 with Otis Perry opposed.

4. OTHER BUSINESS

None

5. ADJOURN

Motion: Otis Perry moved to adjourn at 7:19 PM. Seconded by Rich Onufry. Vote U/A



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers – City Hall 288 Central Avenue, Dover, NH
Meeting Date:	Thursday, November 21, 2019
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit an existing single-family dwelling to be converted to a two-family dwelling.

UNITS PROPOSED: 1

AGENDA ITEM #: 3-A

ZONING DISTRICT: R-12

FILE: Z19-16

APPLICANT/OWNER: Dover Housing Authority / Estate of Thomas Carroll

LOCATION: 7A Avon Avenue (Tax Map 33, Lot 64)

ACREAGE: 0.11 acre (4,800 sq. ft.)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Two-family dwelling

SURROUNDING LAND USE: Single-family dwellings, two-family dwelling, four-family dwelling, warehouse

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, plan

STAFF RECOMMENDATION:
Staff supports the variance request.

SUMMARY OF APPEAL AND BACKGROUND

The property is located on the east side of Avon Avenue, a short dead-end street between Washington Street and the Cochecho River. The Applicant owns the abutting single-family dwelling at 7 Avon Avenue. Dover Housing Authority also owns a large amount of land at the end of Avon Avenue.

The lot contains a single-family dwelling constructed in 1998. The Applicant requests a variance to convert the structure to a two-family dwelling consisting of a two-bedroom unit and a studio unit. In the Medium Density Residential (R-12) Zoning District, conversion to a two-family dwelling is only permitted in homes built prior to May 27, 1964.

REASON FOR STAFF RECOMMENDATION

Avon Avenue serves as a dividing line between the R-12 and Urban Density Multi Residential (RM-U) Zoning Districts, meaning that across the street from 7A Avon Avenue, two-family dwellings are permitted by right. One of the structures on that side of the street is a two-family and the other is a four-family.

Additionally, the single-family homes on either side of 7A Avon Avenue are both from the turn of the 20th century and qualify for conversion to two-family dwellings by right. The last two homes with frontage on Avon Avenue are from the 1940s and could also be converted. Finally, the property behind 7A Avon Avenue contains a nonconforming commercial use, a garage/warehouse in a 1970 structure.

Where every lot on Avon Avenue legally does or could contain two-family dwellings or three-to-four family dwellings, the proposed conversion of the single-family home is a reasonable use, is unlikely to impact property values, and is consistent with the ordinance. The proposal does not include altering the footprint of the existing structure, but rather creating a unit on each story. It will continue to resemble a single-family dwelling. The property is unique in that not only is it the only newer structure on Avon Avenue, it also directly abuts a zoning district intended to accommodate two- and three-to-four-family dwellings.

RECOMMENDATION

Staff recommends that the Zoning Board hold a public hearing and vote on the variance request. Staff supports the variance request.

**Property Information**

Property ID 33064-000000
Location 7 A AVON AV
Owner CARROLL THOMAS A HEIRS OF
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 10/18/2019
Data updated Daily



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

Office Use Only	Case #:	219-16	Date Received:	RECEIVED Planning Office OCT 09 2019
	Amount Paid: \$	_____	Time Received:	Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: **Dover Housing Authority**

Phone # **603-742-5804 ext. 102**

Address of Applicant: **62 Whittier Street Dover New Hampshire 03820**

E-Mail Address: **a.krans@doverhousingauthority.org**

PROPERTY OWNER (if different from applicant): **Estate of Thomas Carroll**

Address: **7A Avon Street, Dover New Hampshire 03820**

Phone # **N/A**

E-Mail Address: **N/A**

PROPERTY/PARCEL INFORMATION

Address: **7A Avon Street, Dover New Hampshire 03820**

Brief Directions: **Proceed west on Washington Street, turn right on to Avon just before crossing Spaulding**

Zoning District: **R-12**

Assessor's Map # **33064**

Lot(s) # _____

TYPE OF APPEAL: (Please check one)

XX Variance

from **Section 170-11** 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:

The property will be changed from a single-family home to a duplex to establish affordable housing consistent with the Mission of the Dover Housing Authority. No changes to the footprint of the building. The house will consist of a 2 BR apartment downstairs and a studio apartment upstairs.

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:

Changing the existing single-family home to a duplex to establish affordable housing consistent with the Mission of the Dover Housing Authority in a neighborhood adjacent to the existing affordable housing neighborhood managed by the Dover Housing Authority consisting of 184 apartments in 49 buildings.

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 duplex will be consistent with the existing adjacent residential neighborhood since the neighborhood is largely multi-family apartments and condominiums. Zoning boundary line down the middle of the street.

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 allow the appropriate use of land in the context of existing uses. The existing uses include a structure with 4 condo units across the street from 7A Avon. In addition, the property across the street at 4-6 Avon is permitted to construct a 4-unit apartment building as a Special Exception. The rear neighbor of the property at 7A Avon is a grandfathered commercial use consisting of a warehouse/garages used by a local landscaping company.

3. Granting the variance would do substantial justice because:

The subject parcel is sandwiched between a grandfathered commercial use and a large multi-family neighborhood. A small adjustment to the property with the creation of a duplex would do substantial justice since the area is largely residential. A duplex continues the residential nature of the surrounding uses.

In addition, the subject property is near a large vacant area of land owned by the Dover Housing Authority in a flood plain along the river.

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

The surrounding property at 4-6 Avon is dilapidated and cordoned off with "Caution tape" due to the extreme condition of the property. The Dover Housing Authority recently purchased the properties located at 5 Avon and 7 Avon adjacent to the subject property. Renovations to these properties are ongoing.

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 subject property is sandwiched between a multi-family use and a commercial use.

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:

Allowing a duplex retains the residential nature of the neighborhood consistent with the surrounding uses while creating affordable housing

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

The entire neighborhood consisting of the current 184 multi-family units located on Pleasant View Circle, Mineral Park Drive, Hampshire Circle and portions of Whittier owned by the Dover Housing Authority is consistent with the proposed use of the subject property.

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:

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____
- F. _____

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*

David R. Lucas, Administrator of the Estate of Thomas A. Carroll

dotloop verified
10/08/19 9:31 AM EDT
J9XS-U92M-TJAD-EYJA

Signature of Owner*

DAVID R. LUCAS, ADMINISTRATOR ESTATE THOMAS A. CARROLL

*Both Signatures Required

[Handwritten Signature]

DOVER
HOUSING
AUTHORITY

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.

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:

David R. Lucas, Administrator of the Estate of Thomas A. Carroll

dotloop verified
10/08/19 9:31 AM EDT
23QM-MLNE-WZGH-YVNS

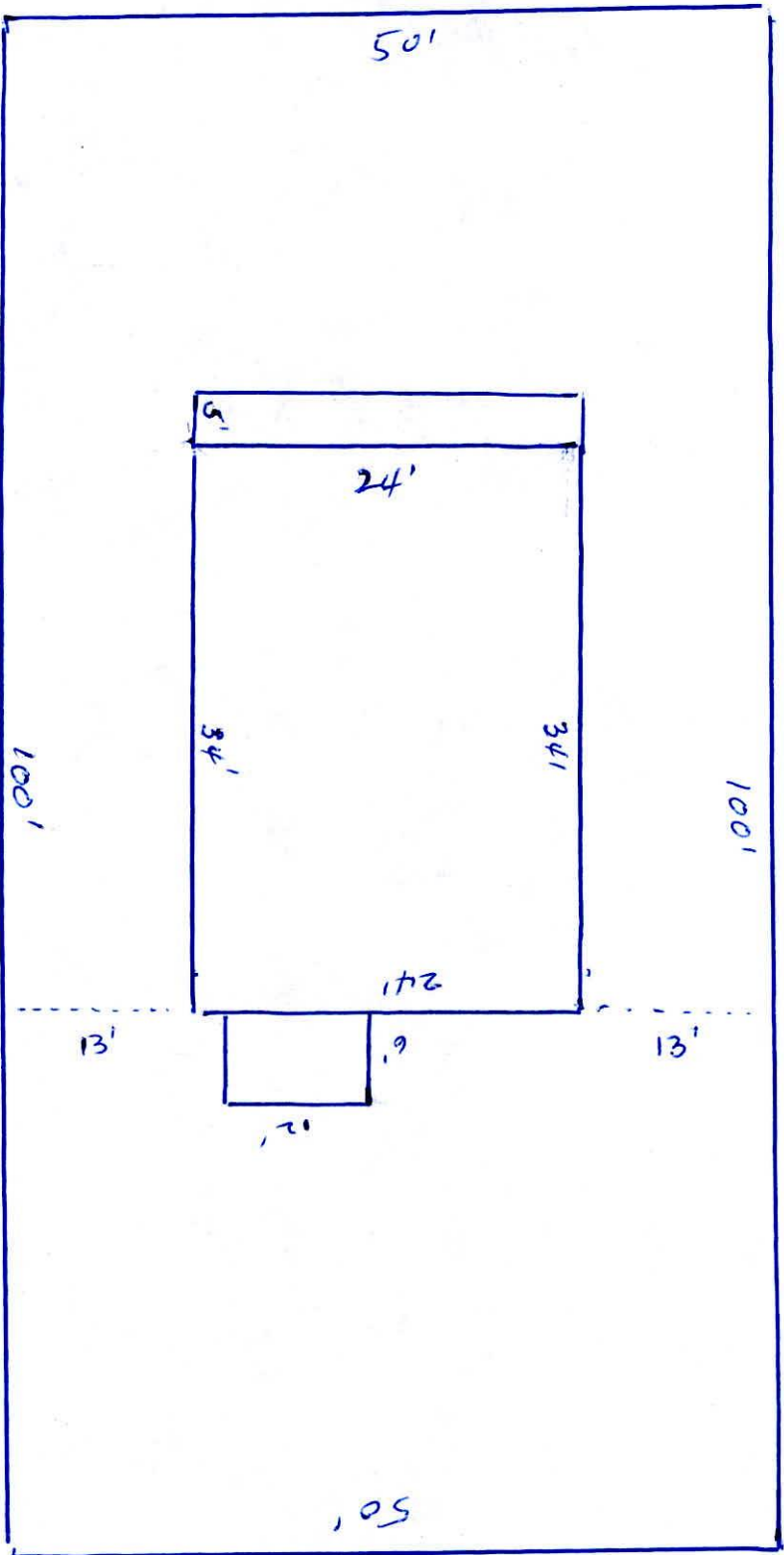
Date:

10/8/19

DAVID R. LUCAS, Administrator of ESTATE OF THOMAS A. CARROLL

7A AVON STREET

AVON ST



Lot size = 5,000 sq.ft (.11 acre)

Building size = 1,018 sq.ft

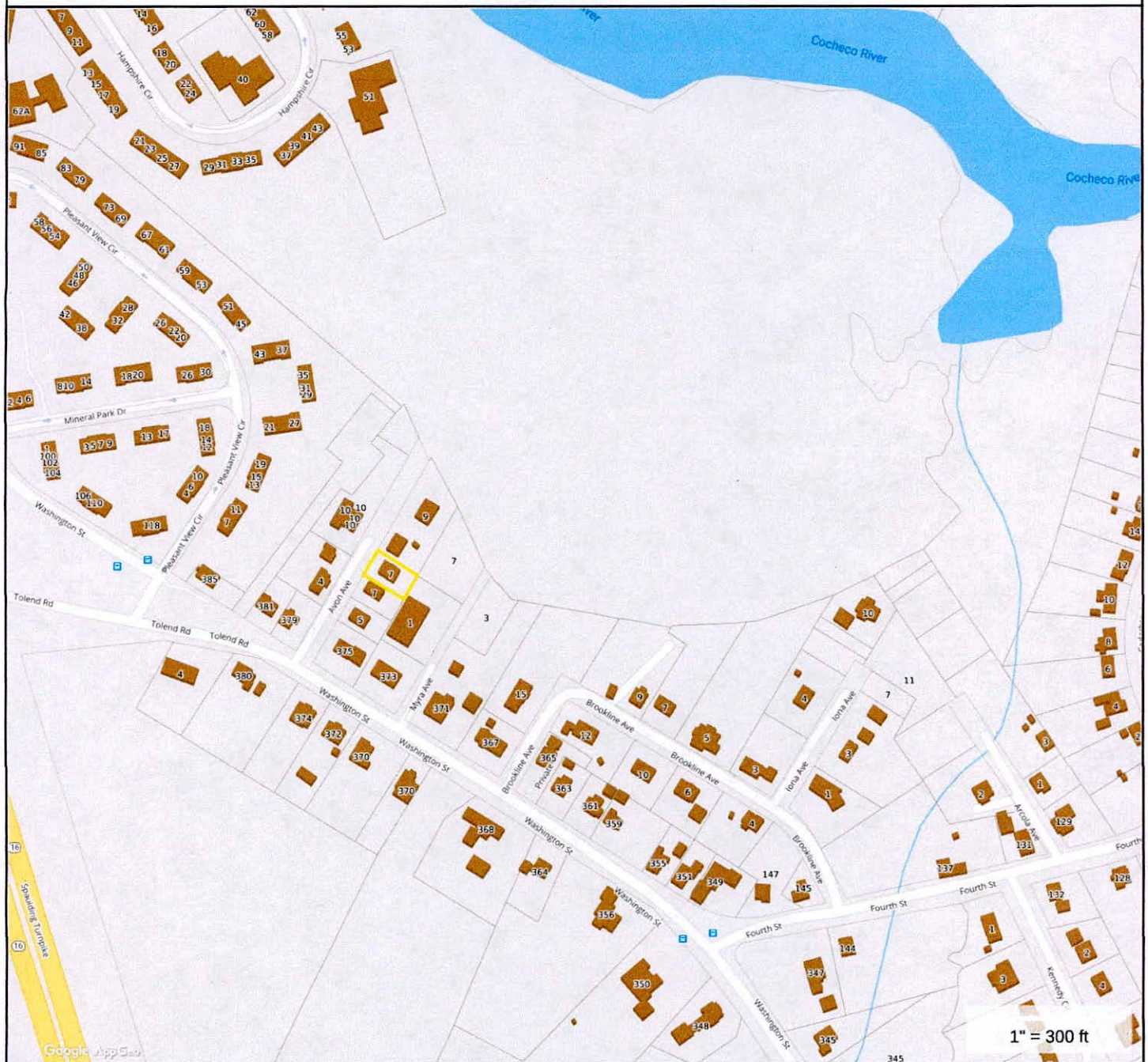
Side line setback = 13 ft

Front setback = 30 ft

Rear setback = 25 ft

Scale 1" = 12.5 ft

7a Avon Street

**Property Information**

Property ID 33064-000000
Location 7 A AVON AV
Owner CARROLL THOMAS A HEIRS OF
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

Property Location:

7 A Avon Av

Residential Property Record Card - Dover, New Hampshire

Parcel ID: 33064-000000

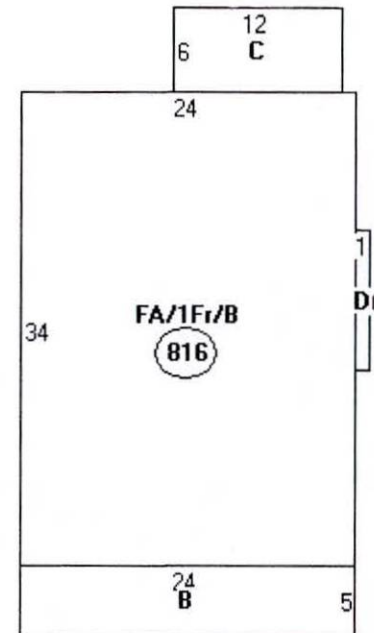
Map Block No. 33-64-0-0

Class: R Use:

101 Card 1 of 1

Dwelling Information																																					
Style:	Cape																																				
Condo Style:																																					
Exterior Walls:	Alum/Vinyl																																				
Story Height:	1.0																																				
Attic:	Full Fin./Wh																																				
Interior/Exterior:	Same																																				
Basement:	Full																																				
Bsmt Garage:	0																																				
Rec Room size:	0 0																																				
FBLA size:	0 0																																				
Unfinished Area:	0																																				
WB Fireplace:	Stacks 0 Openings 0																																				
MTL Fireplace:	Stacks 0 Openings 0																																				
Heating Type:	Basic																																				
Fuel:	Gas																																				
Heating System:	Steam/Hot Wa																																				
Year Built:	1998																																				
Eff. Yr Built:	0																																				
Ground Flr Area:	816																																				
Tot Living Area:	1275																																				
Basement Area:	0																																				
Grade:	C+																																				
Condition:	Average																																				
CDU:	AV																																				
Building Notes:																																					
<table border="1"> <thead> <tr> <th></th> <th>Low</th> <th>1st</th> <th>2nd</th> <th>3rd</th> <th>Tot</th> </tr> </thead> <tbody> <tr> <td>Rooms:</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>6</td> </tr> <tr> <td>Bedrooms:</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>3</td> </tr> <tr> <td>Full Baths:</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>2</td> </tr> <tr> <td>Half Baths:</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Add'l Fixtures:</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>			Low	1st	2nd	3rd	Tot	Rooms:	0	0	0	0	6	Bedrooms:	0	0	0	0	3	Full Baths:	0	0	0	0	2	Half Baths:	0	0	0	0	0	Add'l Fixtures:	0	0	0	0	0
	Low	1st	2nd	3rd	Tot																																
Rooms:	0	0	0	0	6																																
Bedrooms:	0	0	0	0	3																																
Full Baths:	0	0	0	0	2																																
Half Baths:	0	0	0	0	0																																
Add'l Fixtures:	0	0	0	0	0																																

Replacement Costs					
Base Price:	104,820				
Additions:	7,600				
Unfinished Area:	0				
Basement:	0				
Attic:	25,720				
Plumbing:	4,520				
Heating A/C Adj.:	0				
FBLA:	0				
Rec Room:	0				
Fire Place:	0				
Basement Garage:	0				
Exterior Trim:	0				
Subtotal:	142,660				
Grade Factor:	1.08				
C & D Factor:	0.00				
Total RCN:	154,070				
Percent Good:	0.92				
Eco Depr:	0				
Func Depr:	0				
Under Constcn %:	0				
Market Adj.:	0.00				
Total RCNLD:	141,700				
Addition Information					
Low	1st	2nd	3rd	Area	Points
	11			120	5300
	31			72	1500
	10			10	800



Descriptor/Area

A:FA/1Fr/B

816 sqft

B:OFF

120 sqft

C:WD

72 sqft

D:1Fr

10 sqft

Z19-16

7 A Avon Street

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
33002-000000	40 HAMPSHIRE CR	1623 SETTLEMENT DOVER LIMITED PARTNERSHI		62 WHITTIER	DOVER	NH	03820
33004-056000	MINERAL PARK DR	1623 SETTLEMENT DOVER LIMITED PARTNERSHI		62 WHITTIER STREET	DOVER	NH	03820
33058-000000	WASHINGTON ST	CITY OF DOVER		WASHINGTON ST	DOVER	NH	03820
33059-000000	10 AVON AV	AVON AVE CONDOS	C/O O CARROLL KELLY	10 AVON AVE UNIT #1	DOVER	NH	03820
33059-000001	10 1 AVON AV	SAI REAL ESTATE LLC		12 LEE RD	MADBURY	NH	03823
33059-000002	10 2 AVON AV	SMITH DARLENE E		10 AVON AVENUE #2	DOVER	NH	03820
33059-000003	10 3 AVON AV	MOYER EMMY K		10 AVON AVE UNIT 3	DOVER	NH	03820
33059-000004	10 4 AVON AV	LOCH JASON M &	CLARK TARAH N	93 EDGEWATER DR	BARRINGTON	NH	03825-7286
33059-A00000	AVON AV	CITY OF DOVER		288 CENTRAL AV	DOVER	NH	03820
33060-000000	4 6 AVON AV	WOLCOTT HOLDI NGS LLC		171 COLUMBUS AVE	DOVER	NH	03820
33061-000000	381 WASHINGTON ST	DOSTER THOMAS J		381 WASHINGTON ST	DOVER	NH	03820-3642
33061-A00000	379 WASHINGTON ST	NORTON WAYNE T		379 WASHINGTON STREET	DOVER	NH	03820
33062-000000	9 AVON AV	SHAW FORD W III &	SHAW DENISE	9 AVON AVENUE	DOVER	NH	03820
33065-000000	7 AVON AV	DOVER HOUSING AUTHORITY		62 WHITTIER ST	DOVER	NH	03820
33066-000000	375 WASHINGTON ST	TAYLOR THOMAS H		375 WASHINGTON STREET	DOVER	NH	03820
33067-000000	373 WASHINGTON ST	GOWER SCOTT A &	GOWER JEFFREY T	373 WASHINGTON ST	DOVER	NH	03820
33069-000000	1 MYRA AV	TAYLOR MICHAEL S & THOMAS &	TAYLOR-GOWER PATRICIA A	PO BOX 323	DOVER	NH	03821-0323
33069-A00000	5 AVON AV	DOVER HOUSING AUTHORITY		62 WHITTIER ST	DOVER	NH	03820
33070-000000	7 MYRA AV	TAYLOR MICHAEL S & THOMAS	TAYLOR-GOWER PATRICIA A	PO BOX 323	DOVER	NH	03821-0323
33071-A00000	3 MYRA AV	TAYLOR MICHAEL S & THOMAS &	TAYLOR-GOWER PATRICIA A	PO BOX 323	DOVER	NH	03821-0323
33072-000000	371 WASHINGTON ST	NICKERSON FAMILY REVOCABLE TRUST	NICKERSON AUSTIN L TRUSTEE	371 WASHINGTON STREET	DOVER	NH	03820
33064-000000	7 A AVON AV	CARROLL THOMAS A HEIRS OF ALLAN B KRANS, SR.		1 NELSON TER #D	MELOROSE	MA	02176-3192
				62 WHITTIER STREET	DOVER	NH	03820



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers – City Hall 288 Central Avenue, Dover, NH
Meeting Date:	Thursday, November 21, 2019
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit lot sizes of approximately 1.6 to 1.8 acres, where a minimum of 3 acres is required.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-B

ZONING DISTRICT: R-12

FILE: Z19-17

APPLICANT/OWNER: Varney Brook Lands, LLC

LOCATION: Pointe Place (Tax Map K, Lot 19-4)

ACREAGE: 20.78 acres

EXISTING LAND USE: Under construction for mixed use and multi-family dwellings, vacant/conservation

PROPOSED LAND USE: No change

SURROUNDING LAND USE: Mixed use, assisted living facility, single family dwellings, commercial

PREVIOUS ZBA ACTION: Z18-16, variance granted to permit building height in excess of 35 ft. maximum

PLANNING BOARD APPROVAL REQUIRED: Yes, subdivision approval

ATTACHMENTS: Application, plan

STAFF RECOMMENDATION:
Staff supports the variance request.

SUMMARY OF APPEAL AND BACKGROUND

The property is located on the southwestern side of Pointe Place, part of the overall mixed-use site that has been under development in the area between Dover Point Road and Middle Road. Lot 19-4 encircles lot 19-6, home to the Spring Village assisted living facility. The approved plan for Lot 19-4 includes three buildings: one mixed use building with first floor commercial and 39 dwelling units, and two residential buildings of 40 dwelling units each.

The Applicant requests a variance to permit lot 19-4 to be subdivided into four lots: one lot accompanying each of the three new buildings and one lot to entirely contain an existing 15.52-acre conservation easement. The three lots requiring a variance would range from approximately 1.6 to 1.8 acres, where a minimum of 3 acres is required in the underlying Executive Technology Park (ETP) Zoning District. The overall Pointe Place development is also in the Residential-Commercial Mixed Use (RCM) Overlay District.

In 2016, the Zoning Board approved a variance to create Lot 19-7, a 1.5 acre lot, within the same overall development (Z16-20).

REASON FOR STAFF RECOMMENDATION

The Pointe Place area has been designed, approved, and developed over the past 10-15 years as a “village” incorporating mixed uses under the provisions of the Residential Commercial Mixed Use Overlay (RCM) District. While the RCM does not have a minimum lot size and the underlying ETP zoning district requirements apply in this instance, the RCM district is intended to permit flexibility and reduced dimensional requirements.

Where the proposed lots are associated with individual buildings (and a conservation easement) that are incorporated into an overall neighborhood design and site plan already approved and partially constructed, the smaller lot sizes will not be perceptible and do not affect the layout of the site. The smaller lot sizes are in keeping with the goals of the RCM Overlay. Permitting the smaller lots in fact restricts further development by imposing setbacks on each lot, instead of on one lot. Allowing the creation of a dedicated 15-acre lot for the conservation easement better ensures that the easement is respected and is the responsibility of one property owner. Granting the variance is unlikely to impact property values.

RECOMMENDATION

Staff recommends that the Zoning Board hold a public hearing and vote on the variance request. Staff supports the variance request.

**Property Information**

Property ID K0019-004000
Location POINTE PL
Owner VARNEY BROOK LANDS LLC
Land Use 390



**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 10/18/2019
Data updated Daily



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

Office Use Only Case #:

Z19-17

Date Received:

RECEIVED
Planning Office

Amount Paid: \$ _____

Time Received:

OCT 22 2019

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Varney Brook Lands, LLC Phone # 603-749-2800

Address of Applicant: 340 Central Ave., #202 DOVER, NH 03820

E-Mail Address: chad@summitlanddev.com

PROPERTY OWNER (if different from applicant): SAME

Address: Pointe Place Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: Pointe Place

Brief Directions: South on Dover Point Rd., left onto Pointe Place through roundabout. Site is vacant land on right, across from 50-60 Pointe Place buildings

Zoning District: ETP Assessor's Map # K Lot(s) # 19-4

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:

This request for a variance is to allow a single 20.77 area parcel, Lot K-19-4, to be subdivided into (4) lots. The proposed subdivision would allow for the (3) currently approved buildings on the lot to each be a separate legal lot. The fourth lot would included all land previously placed in conservation. Please refer to the attached plan

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170.12 of the Zoning Ordinance to permit:

The subdivision of a single 20.77 acre lot into (4) separate lots, where (3) of these lots will be less than the 3 acre minimum size requirement.

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 planned development is already fully approved by the City and State. The approval process was properly noticed and vetted by the Planning Board. Since the use and density of the project is approved, it should not matter if the development occurs on a single lot or multiple lots.

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

This request is not to change the use of the property. It is simply to simplify financing protocol to have each building on its own lot. The noted conservation land would also be on its own lot.

A condominiumization of the land is allowed, but is a cumbersome process. However, it should not matter if each planned lot is a condominium or separate lot of record.

3. Granting the variance would do substantial justice because:

The Method of Ownership, condominium or separate lot, should be the election of the owner as it has zero impact on the active development.

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

The Method of Ownership will have no effect on surrounding property value. Abutters would not know the difference.

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 development is already fully approved. The only question is Method of Ownership. And, it is in the ETP Zone, but approved as a mixed-use overlay development.

and

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property because:

The Method of Ownership does not change the spirit of the Ordinance.

and

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

Zoning allows it and the project is already approved by the City. Also, a similar variance was granted on lot K-19-5 across the street.

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, owning to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonable used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

THIS SECTION TO BE COMPLETED BY EQUITABLE WAIVER APPLICANTS ONLY

An Equitable Waiver of Dimensional Requirements is requested from Article _____ Section _____ of the Zoning ordinance to permit _____

1. Does the request involve a dimension requirement, not a use restriction? yes no

2. a) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the city **OR** b) explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser **AND** how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

4. Explain how the cost of correction far outweighs any public benefit to be gained.

NOTE: The Board must find in the affirmative on all four questions or the request must be denied

APPEAL OF ADMINISTRATIVE DECISION

THIS SECTION TO BE COMPLETED BY APPLICANTS APPEALING AN ADMINISTRATIVE DECISION ONLY

Explain why you feel that the Administrative Official made an error in applying or interpreting the zoning ordinance in a particular case.

N/A

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.

N/A

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*

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: _____



288 Central Avenue
Dover, New Hampshire 03820-4169
Tel: (603) 516-6008
Fax: (603) 516-6049

RECEIVED
Planning Office

OCT 22 2019

Dover, New Hampshire

Zoning Board of Adjustment City of Dover, New Hampshire

HOURS: Monday through Thursday 8:30 AM - 5:30 PM & Friday 8:30 AM to 4:00 PM

INSTRUCTIONS TO APPLICANTS APPEALING TO THE DOVER ZONING BOARD OF ADJUSTMENT

PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE FILLING OUT ATTACHED

Dear Applicant:

This will serve to briefly inform you as to what you must do to bring a petition before the Dover Zoning Board of Adjustment (ZBA). Please refer to the NH Statutes on Land Use and Regulation and the Dover Zoning Ordinance for more specific information. You must complete the application(s) applicable to you. There are four (4) purposes to petition the ZBA; they are:

1. Variances - where special conditions exist in the property warranting the use of that property in a manner which literally or technically is in violation of the ordinance. Variances can be sought to dimensional or use requirements.

There is a special type of variance allowed for persons having a recognized physical disability, which may be granted for as long as the particular person has a need to use the premises (see RSA 674:33-V). Any medical information submitted to substantiate a disability will remain confidential.

2. Special Exceptions - where the ordinance specifically permits a particular use provided the applicant can prove that whatever conditions attached to such use by the ordinance have or will be complied with.
3. Appeal from Administrative Decisions - where the applicant feels that the Administrative Official made an error in applying or interpreting the zoning ordinance in a particular case.
4. Equitable Waiver of Dimensional Requirements - where a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA:674:16.

The ZBA cannot and will not grant the relief sought unless the applicant proves the elements of his or her case. For example, variances may not be granted solely because the applicant is suffering from financial hardships or other personal hardships or whimsically would like to put his or her property to a non-conforming use.

YOU, THE APPLICANT, ARE RESPONSIBLE FOR PRESENTING SUFFICIENT INFORMATION TO SUPPORT AND PROVE YOUR CASE. WHEN FILLING OUT THE APPLICATION, PLEASE PRINT OR TYPE.

Familiarity with the particular provision of the Zoning Ordinance that affects your property is important, and any specific questions you may have relative to your particular case can be answered either by obtaining a copy of the Zoning Ordinance at the City Clerk's Office, or by inquiring at the Planning Office, Municipal Building, 288 Central Avenue, Dover, NH 03820. The Zoning Ordinance can also be viewed on the City web-site at www.dover.nh.gov.

You may represent yourself or authorize, in writing, someone else to represent you. Deliver or mail ten (10) copies of the completed application, with applicable attachments to the Planning Department at least twenty-one (21) days prior to the ZBA meeting date. The ZBA meets on the third Thursday of the month.

The attached application form must be properly completed. An application fee is charged to cover the cost of preparing and mailing the legally required certified letters to the abutters and to place a legal notice in the newspaper. We will notify you of the cost once your application has been submitted.

The ZBA will hold a public hearing on your application at its regularly scheduled monthly meeting. Public notice of the hearing will be posted at the City Clerk's office and the Planning Department office and printed in the newspaper. Certified letters will be mailed to you and to all abutters at least five days before the date of the hearing. You and all other parties will be invited to appear in person or by agent or counsel to state the reasons why the appeal should or should not be granted. Please be advised that a decision may not be made the same night of the hearing. You will be sent a notice of the decision.

Z19-17 Point Place
First Class

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	Stat Zip
K0022-000010	10 11 HARVEST DR	PAOLINI ROBERT V TRUSTEE	JNM REALTY TRUST	54 DOVER POINT RD STE 103	DOVER	NH 03820
K0021-000005	10 CONSTITUTION WY	WALLINGFORD ANTHONY D &	WALLINGFORD NANCY L	10 CONSTITUTION WY	DOVER	NH 03820
K0021-00006A	12 CONSTITUTION WY	SHELLONG KATHERINE SUCCESSOR TRUSTEE	MRC REVOCABLE TRUST	201 ALLISON RUN	WHITE RIVER JUNCTION VT	05001
K0021-000007	14 CONSTITUTION WY	WRIGHT JOHN JR &	WRIGHT TARA L	14 CONSTITUTION WAY	DOVER	NH 03820
K0021-000008	16 CONSTITUTION WY	CARSWELL WILLIAM &	CARSWELL SANDRA	16 CONSTITUTION WY	DOVER	NH 03820
K0021-000052	17 CONSTITUTION WY	HANSON KENNETH L	HANSON ROSEMARY A	PO BOX 1609	DOVER	NH 03820
K0021-000019	18 CONSTITUTION WY	MATTHEWS DARLENE &	HEFLER VALERIE	18 CONSTITUTION WAY	DOVER	NH 03820
K0021-000053	19 CONSTITUTION WY	DEANGELIS ROBERT J TRUSTEE	PENZO MARY R IRREVOCABLE TRUST	19 CONSTITUTION WY	DOVER	NH 03820-4928
K0021-000001	2 CONSTITUTION WY	STEPCHIN LORRAINE		2 CONSTITUTION WY	DOVER	NH 03820-4926
K0019-001014	2 TERESA DR	DUGAN ALAN H &	DUGAN LYNNE H	2 TERESA DR	DOVER	NH 03820
K0021-000010	20 CONSTITUTION WY	LECAROZ ALFRED L &	LECAROZ JEANETTE M	20 CONSTITUTION WAY	DOVER	NH 03820
M0004-000046	21 JULIA DR	HESS DANIEL J III & DOROTHEA P TRUSTEES	HESS DANIEL J III DOROTHEA P REVOCABLE L	21 JULIA DR	DOVER	NH 03820
K0021-000011	22 CONSTITUTION WY	CARLSEN LAURITS S &	CARLSEN GLORIA A	22 CONSTITUTION WAY	DOVER	NH 03820
K0021-000055	23 CONSTITUTION WY	CLEVELAND RALPH D &	CLEVELAND NANCY J	23 CONSTITUTION WY	DOVER	NH 03820
M0004-000045	23 JULIA DR	BRAUN JOSEPH J JR &	BRAUN JOYCE J	23 JULIA DR	DOVER	NH 03820
K0021-000012	24 CONSTITUTION WY	COLGAN JOHN &	COLGAN MICHELLE	34 JULIA DR	DOVER	NH 03820
M0004-000044	25 JULIA DR	DUDEK NANCY		25 JULIA DR	DOVER	NH 03820
K0021-000013	26 CONSTITUTION WY	COPELAND WILLIAM E &	COPELAND PATRICIA A	26 CONSTITUTION WAY	DOVER	NH 03820
M0004-000043	27 JULIA DR	KAGELEIRY JAMES &	KAGELEIRY FRANCES T	27 JULIA DR	DOVER	NH 03820-5021
M0004-000042	29 JULIA DR	BARSTOW THOMAS R & PATRICIA C TRUSTEES	BARSTOW THOMAS AND PATRICIA TRUSTS	29 JULIA DR	DOVER	NH 03820
K0019-003001	3 SIERRA HILL DR	PARKER KENDREE R &	CARTER RAY P	3 SIERRA HILL DR	DOVER	NH 03820
M0004-000041	31 JULIA DR	AMBRULEVICH JOHN T &	AMBRULEVICH ALMEDA C	31 JULIA DR	DOVER	NH 03820
M0004-000040	33 JULIA DR	DUNLAVEY SUZAN M &	DUNLAVEY ROBERT J	33 JULIA DR	DOVER	NH 03820
K0021-000002	4 CONSTITUTION WY	KARAS PATRICIA A &	KARAS CHRIS D	4 CONSTITUTION WY	DOVER	NH 03820-4926
K0021-000044	5 CONSTITUTION WY	MERRITT NANCY S		5 CONSTITUTION WAY	DOVER	NH 03820
K0021-000003	6 CONSTITUTION WY	HUSE ETHEL E	KEENAN ERMINIE W	279 CENTRAL AVE APT 103	DOVER	NH 03820-7106
K0021-000004	8 CONSTITUTION WY	NICHOLSON SANDRA L &	8 CONSTITUTION WAY	DOVER	DOVER	NH 03820
K0022-000008	8 HARVEST DR	LEVASSEUR THOMAS TRUSTEE	8 HARVEST DR	DOVER	DOVER	NH 03820
K0022-000009	9 HARVEST DR	PAQUIN DAVID ANDREW &	9 HARVEST DR	DOVER	DOVER	NH 03820
K0021-000012	24 CONSTITUTION WY	BECHTOLD RICHARD	24 CONSTITUTION WY	DOVER	DOVER	NH 03820
K0021-000055	23 CONSTITUTION WY	ROHAN CHRISTOPHER &	23 CONSTITUTION WY	DOVER	DOVER	NH 03820
M0004-000041	31 JULIA DR	WOOD JANICE E	31 JULIA DR	DOVER	DOVER	NH 03820
M0004-0000PN	MIDDLE RD	THORNWOOD COMMONS LLC	C/O GREAT NORTH PROPERTY MANAGEMENT	3 HOLLAND WAY	EXETER	NH 03833

Certified

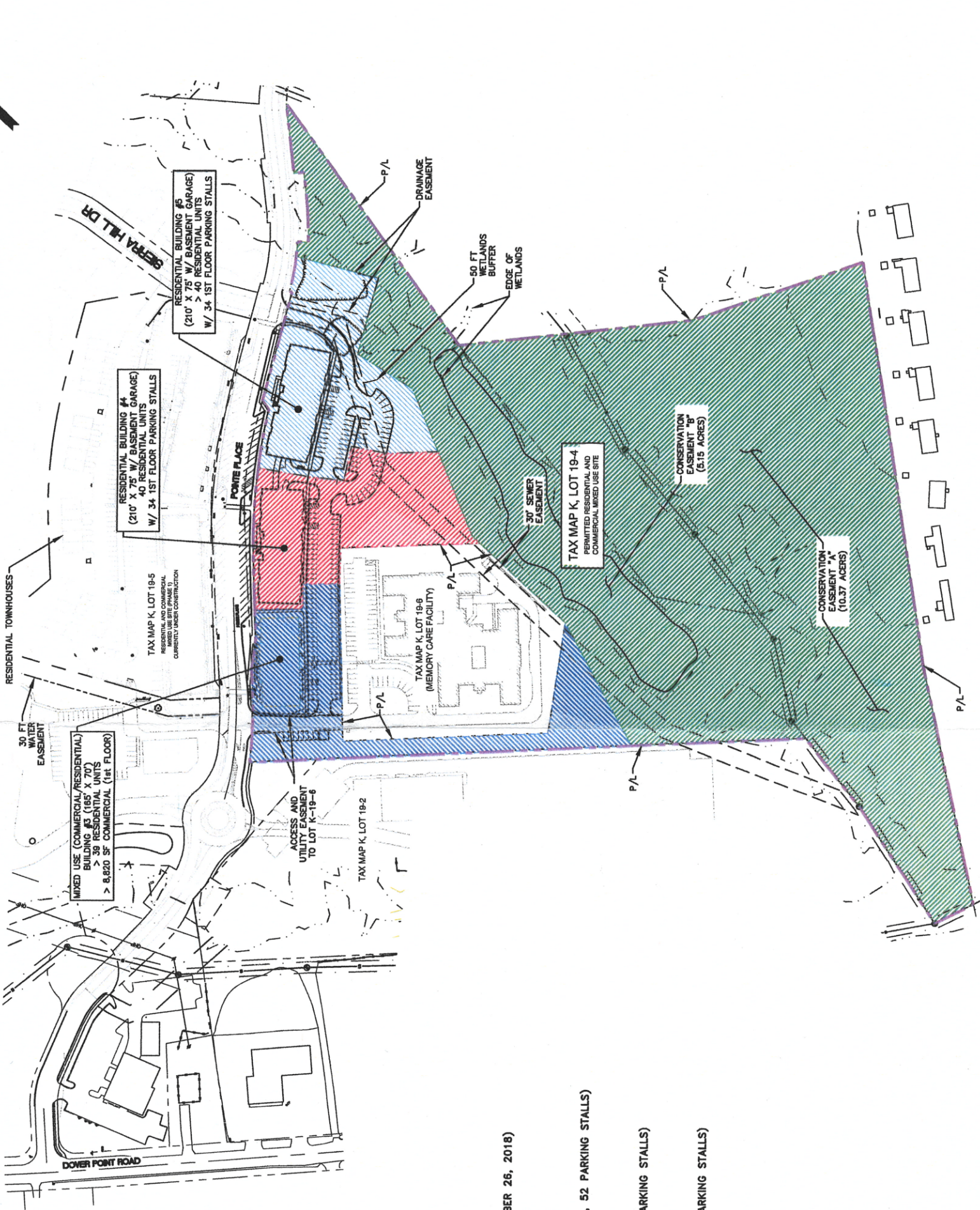
K0022-000000	1 11 HARVEST DR	PAOLINI BROTHERS DEVELOPMENT LLC		15 BRIARWOOD LN	DOVER	NH 03820
K0019-006000	35 POINTE PL	BFG DOVER PROPCO LLC		228 PARK AVE STE A	WINTER PARK	FL 32789
K0023-000000	46 DOVER POINT RD	MARKET SQUARE CONDOMINIUM	C/O RIVER VALLEY DEVELOPMENT CORP	9 PATRIOT DR	DOVER	NH 03820-4708
K0022-B00000	48 1/2 DOVER POINT RD	LARA CHRISTOPHER &	SAPIENZA LEIGH-ANNE	48 1/2 DOVER POINT RD	DOVER	NH 03820
K0019-005000	50 60 POINTE PL	POINTE PLACE DEVELOPMENT LLC	C/O SUMMIT LAND DEVELOPMENT	340 CENTRAL AVE #202	DOVER	NH 03820
K0021-000000	CONSTITUTION WY	DOVERBROOK LLC		40 NEWBRIDGE RD	SUDBURY	MA 01776
K0019-000000	DOVER POINT RD	VARNEY BROOK LANDS LLC &	CITY OF DOVER	340 CENTRAL AVE STE 202	DOVER	NH 03820
K0019-002000	DOVER POINT RD	DOVER POINT RD 252 LLC		40 DOVER POINT RD	DOVER	NH 03820
M0004-000000	MIDDLE RD	THORNWOOD COMMONS LLC	C/O GREAT NORTH PROPERTY MANAGEMENT	3 HOLLAND WAY	EXETER	NH 03833
K0019-003000	SIERRA HILL DR	STABILE HOMES AT POINTE PLACE LLC		20 COTTON RD	NASHUA	NH 03063
K0019-001000	TERESA DR	CHANGING PLACES LLC		42 J DOVER POINT RD	DOVER	NH 03820
		SUMMIT LAND DEVELOPMENT		340 CENTRAL AVENUE #202	DOVER	NH 03820

PLAN REFERENCES:

- "SUBDIVISION AND LOT LINE ADJUSTMENT PLAN" FOR POINTE PLACE & DOVER POINTE ROAD 252 LLC, SHEETS 1-4, TAX MAP K, LOT NOS. 19-2, 19-3, & 19-4, DATED 8/13/15 BY MCENAMNEY SURVEY ASSOCIATES, INC. AND RECORDED AT STRAFFORD COUNTY REGISTRY OF DEEDS - SCRD PLANS # 110-023, 110-024, 110-025, & 110-028. CITY OF DOVER FILE NO. P15-23 & 33.
- "SUBDIVISION PLAN OF PLAN" PREPARED FOR VARNNEY BROOK LANDS, LLC, TAX MAP K, LOT NOS. 19-1 AND 19-5, BY MCENAMNEY SURVEY ASSOCIATES, INC., DATED 11/17/16. SCRD PLAN 115-070.
- "POINTE PLACE AND SIERRA DRIVE ROADWAY AND UTILITY INFRASTRUCTURE PLANS", PREPARED BY ALTUS ENGINEERING, INC. APPROVED DECEMBER 16, 2015, CITY OF DOVER FILE NO. P14-56.
- "POINTE PLACE MEMORY CARE RESIDENTIAL DEVELOPMENT", PREPARED BY ALTUS ENGINEERING, INC., DATED FEBRUARY 21, 2017, CITY OF DOVER FILE NO. P17-05.
- "EASEMENT RELOCATION PLAN" PREPARED FOR VARNNEY BROOK LANDS, LLC AND CHANGING PLACES, LLC AND EVERSOURCE ENERGY, TAX MAP K, LOT NOS. 19, 19-1 OPN, & 19-3, BY MCENAMNEY SURVEY ASSOCIATES, INC. DATED 9/20/15 AND RECORDED AT THE STRAFFORD COUNTY REGISTRY OF DEEDS SCRD PLAN #110-043.

LEGEND

- TAX MAP K, LOT 19-4 / 20.77 ACRES
APPROVED MIXED USE DEVELOPMENT (SEPTEMBER 26, 2018)
TO BE SUBDIVIDED INTO FOUR (4) LOTS
- TAX MAP K, LOT 19-4-1 / 1.80 ACRES
MIXED USE BUILDING #3
(39 ONE-BDRM UNITS, 8,820 SF COMMERCIAL, 52 PARKING STALLS)
- TAX MAP K, LOT 19-4-2 / 1.64 ACRES
RESIDENTIAL BUILDING #4
(35 TWO-BDRM & 5 ONE-BDRM UNITS, 80 PARKING STALLS)
- TAX MAP K, LOT 19-4-3 / 1.81 ACRES
RESIDENTIAL BUILDING #5
(35 TWO-BDRM & 5 ONE-BDRM UNITS, 78 PARKING STALLS)
- TAX MAP K, LOT 19-4-4 / 15.52 ACRES
CONSERVATION LANDS /
STORMWATER TREATMENT AREAS



133 COURT STREET
PORTSMOUTH, NH 03801
WWW.ALTUS-ENG.COM

THIS DRAWING HAS NOT BEEN
RELEASED FOR CONSTRUCTION

ISSUED FOR: CLIENT REVIEW

ISSUE DATE: AUGUST 5, 2019

REVISIONS
NO. DESCRIPTION BY DATE
0 INITIAL SUBMITTAL COB 08/05/19

DRAWN BY:

APPROVED BY:

DRAWING FILE:

SCALE: 24"x36" 1" = 100'
12"x18" 1" = 200'

OWNER:
VARNNEY BROOK LANDS, LLC
P.O. BOX 728
DOVER, NH 03821

APPLICANT:
SUMMIT LAND DEVELOPMENT
340 CENTRAL AVE., #202
DOVER, NH 03820

PROJECT:

POINTE PLACE (PHASE 4B)
RESIDENTIAL AND
COMMERCIAL
MIXED USE DEVELOPMENT

(FILE NO. P18-37)
TAX MAP K, LOT 19-4
DOVER, NH

TITLE:

RECEIVED
Planning Office

OCT 22 2019
SUBMISSION PLAN

SHEET NUMBER
Dover, New Hampshire

S-1