



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, January 16, 2020
Meeting Time: 7:00 pm

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF DECEMBER 19, 2019

3. ELECTION OF OFFICERS

4. HEARINGS

- A. Z20-01 Applicant/Owners Stephen and Rosemary Forcillo, 206 Gulf Road (Tax Map N, Lot 12-A), located in the Rural Residential (R-40) Zoning District, request a variance from **Section 170-12.B** of the Zoning Ordinance to permit the subdivision of Tax Map N, Lot 12-A into two lots with less than the required minimum contiguous upland land area of 40,000 square feet. One lot will contain 1.115 acres (48,575 sq. ft.) including 32,000 sq. ft. of upland, and the second lot will contain 2.788 acres (121,460 sq. ft.) including 32,000 sq. ft. of upland.
- B. Z20-02 Applicant/Owner Mary Paola, 31 Tennyson Avenue (Tax Map 21, Lot 76), located in the Medium Density Residential (R-12) Zoning District, requests a variance from **Section 170-6** of the Zoning Ordinance to permit a “childcare home” to exceed the maximum of 12 children by allowing the existing, legally nonconforming business to expand from 24 children to 30 children.

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, December 19, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior (Chair), George Reagan (Vice Chair), Rich Onufry (Alternate), Nick Couturier

Members Absent (Excused): Otis Perry, Anthony Sillitta (Alternate), Frank Landford, James Burdin

Members Absent (Unexcused):

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

The Chair called the meeting to order at 7:02 PM.

2. APPROVAL OF MEETING MINUTES OF NOVEMBER 21, 2019

Motion: Nick Couturier moved to approve the minutes of November 21, 2019 as amended. Seconded by Rich Onufry. Vote: U/A with George Reagan abstaining.

3. HEARINGS

The Chair explained the ZBA meeting process.

A. Z19-20 Applicant DRVP Developers, LLC and Owner Gregory S. McCrone. Trustee of the Lois L. McCrone Irrevocable Trust, 239 Knox Marsh Road (Tax Map H, Lot 37-A), located in the Hotel/Retail (B-4) Zoning District, request a variance from Section 170-12.A of the Zoning Ordinance to permit residential uses (single-family dwellings and multi-family dwellings over non-residential) as part of a mixed-use development, where residential uses are not permitted in the B-4 District.

The Chair let the applicant know there are four board members present which is a quorum to hear the case, but three members will need to vote in favor of the variance for it to pass.

FX Bruton of Bruton and Berube represented the applicant and chose to move forward presenting the case. Robert Baldwin, applicant and Christopher Berry, project engineer were also present.

FX Bruton described the lot and the neighborhood and abutters. The shape of the lot and where its located make it unique.

The proposal is for single family homes as well as a mixed-use building with residential units above retail. There are also two office buildings proposed.

The developer is committed to providing this housing for low cost. One-bedroom units will be \$1000 and two-bedrooms will be \$1300 including heat and hot water. They are looking to build 12 single-family homes and 53 one or two-bedroom units. This is not as high as the maximum density allowed in the B3 zone.

FX Bruton addressed the variance criteria.

Rich Onufry expressed traffic concerns in that area.

George Reagan asked for clarification on the sizes and prices of the units. Robert Baldwin mentioned the 1400 sq. ft. single family homes will ideally be sold for \$300,000.

Chair Prior wondered about the handicap unit criteria and need for elevators if the units are on the first floor.

Christopher Berry stated this project would need to meet the fair housing act which means ADA accessibility needs to be available and this project has accounted for that on the first floor with 2-3 ADA-accessible units and availability in the rest of the building.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
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Meeting Date: Thursday, December 19, 2019
Meeting Time: 7:00 pm

Public hearing opened.

Richard Keyes, 251 Knox Marsh Rd is an abutter and expressed traffic concerns and stated the speed limit there is 50mph which is too high.

Chair Prior noted two emails that came in from the public regarding the case.

Alfred Demers, 21 Leathers Ln wondered about a different case and was asked by Chair Prior to speak to the Planning department staff.

STAFF RECOMMENDATION:

Elena Piekut stated the Planning Department supports granting the variance with some conditions:

- Limit the plan to what's presented tonight
- Deed restrict the houses to 1400 sq. ft.
- Propose a phasing plan for the construction to ensure the commercial aspects of the plan are completed

The applicant is aware of the conditions and does not object to them.

Public hearing closed.

George Reagan stated the project fits in well with the area and he is in favor of the mixed-use components.

Motion: Rich Onufry moved to approve the variance to permit residential use both single-family homes and multi-family units over the non-residential use with the three conditions drafted by staff. Nick Couturier seconded. Vote U/A

4. OTHER BUSINESS

Elena Piekut noted:

- Annual board meet and greet is January 14th at 5:30.
- If there are any zoning proposal changes, now is the time to bring them up so they can get on the Planning Board radar as they set their goals

George Reagan mentioned inclusionary zoning might be another avenue to take.

- Elections will take place in January for Chair and Vice Chair

5. ADJOURN

Motion: Nick Couturier moved to adjourn at 7:43 PM. Seconded by George Reagan. 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, January 16, 2020
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit two lots that do not meet the minimum area of contiguous upland of 40,000 sq. ft.

UNITS PROPOSED: 1 new lot

AGENDA ITEM #: 4-A

ZONING DISTRICT: R-40

FILE: Z20-01

APPLICANT/OWNER: Stephen and Rosemary Forcillo

LOCATION: 206 Gulf Road (Tax Map N, Lot 12-A)

ACREAGE: 3.91 ac. (170,320 sq. ft.)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwellings

SURROUNDING LAND USE: Single-family dwellings, Cochecho Country Club

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: Yes

ATTACHMENTS: Application, plan

STAFF RECOMMENDATION:
Staff supports the variance request.

SUMMARY OF APPEAL AND BACKGROUND

The property is located on the north side of Gulf Road and in between portions of the Cochecho Country Club. The property abuts a family member to the east, and another family home is located on Country Club Estates Drive across the golf course.

The owners request a variance from the minimum contiguous upland lot size requirement. Where each lot requires 40,000 sq. ft. of contiguous upland, 32,000 sq. ft. is provided for each of two proposed lots.

REASON FOR STAFF RECOMMENDATION

The proposed lot configuration provides for a home with a shared driveway, off of the road, while protecting wetlands as much as possible. It is a reasonable use of the land and provides for a family compound for the current time while allowing each house its own lot. It is unlikely to have a negative impact on property values and is consistent with the ordinance's purpose of providing for the most appropriate use of land. The layout, and proposed condition, requiring a shared driveway minimizes further impact to the wetlands or wetland buffers.

RECOMMENDATION

Staff recommends that the Zoning Board hold a public hearing and vote on the variance request. With the following proposed condition, staff supports the variance request:

1. The new dwelling shall be accessed via a shared driveway over Tax Map N, Lot 12-A.
2. Wetland buffer signage shall be permanently placed along the wetland buffer edges on both Lots 12-A and 12-A-1 (or lot number as assigned by Tax Assessor).

Z 20-01

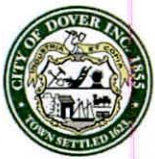
**Property Information**

Property ID N0012-A00000
Location 206 GULF RD
Owner FORCILLO ROSEMARY L &
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]

RECEIVED
Planning Office

Office Use Only Case #:

Z20-01

Date Received:

DEC 26 2013

Amount Paid:

\$

18000 ck#
6273

Time Received:

11:15 AM
Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Stephen & Rosemary Forcillo Phone # 603.781.0589

Address of Applicant: 206 Gulf Road, Dover, NH 03820

E-Mail Address: RFORCILLO@GMAIL.COM

PROPERTY OWNER (if different from applicant): _____

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 206 Gulf Road, Dover, NH 03820

Brief Directions: From Downtown Dover, take Central Ave to Portland Ave. Turn right onto Atlantic Ave, and proceed 0.4 miles. Continue onto Gulf road, and proceed 0.4 miles. Site is on the left

Zoning District: R-40 Assessor's Map # N Lot(s) # 12A

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-12</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:

To subdivide Tax Map N, Lot 12A into 2 lots.

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:

Subdivision of Tax Map N, Lot 12A into 2 lots that will contain less than the 40,000 sq.ft. contiguous upland
required in Section 170-12, R-40 Dimensional Table, footnote [3].

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: This property is located between my brother in law and my sister's, Rob and Peggy(Margaret) Carter, home located at 210 Gulf Road and the next residential property is my parent's home Clifford and Margaret Gilbert located at 1 Country Club Estates. The new proposed home will not be seen from the road.
2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because: Our lot size and road frontage meets the City of Dover zoning regulations. However, there are wetlands that prevent the subdivision without coming to the zoning board. We prefer not to have to have land from my sister's lot added to ours because it would complicate everything because there is a mortgage on both properties.
3. Granting the variance would do substantial justice because: My husband, Stephen Forcillo is a cancer survivor and has been diagnosed with rheumatoid arthristis and has fallen down our 2nd floor stairs a few times. We need a home with a first floor master and we do not want to move away from our family to accomplish this. The layout of our current home does not lend itself to having a first floor master suite added on because of the location of our kitchen and family room. Both my sister's family at 210 Gulf Road and my husband and I plan on living in this location for the remainder of our lives.

4. The value of surrounding property will not be diminished because: My parents own 1 Country Club Estates and my sister owns 210 Gulf Road. Both parties would be beyond happy for this subdivision to occur and us remain living in the area between them. We will build a similar sized home between 2,400 to 2,800 sq ft. We would have a second floor for company and our daughter who is currently at UNH. We need a handicap accessible home for my husband's safety.

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: This approval will allow my husband and I to continue to live next to my sister and parents. Not having them near me would to help with the future care of my husband would create a hardship. We will need to do something in the very near future because Steve has fallen down a flight of stairs and hurt himself as recently as last month.

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:

and

(iii) The proposed use is a reasonable one because: The lot size and the road frontage meets the zoning requirement. The wetlands in the rear of 206 Gulf Road, not the lot area is the reason we are seeking an acception to the zoning guidelines. Our home is also perpendicular to Gulf Road and it appears that the driveway looks ready to be extended for the proposed lot following our lot and off the same shared driveway. We are not seeking an additional curb cut.

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.

Stephen A. Forcillo
Rosemary L. Forcillo

Signature of Applicant*

Rosemary L. Forcillo, Stephen A. Forcillo

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:

Rosemary L. Forcillo
Stephen A. Forcillo

Date:

12/25/19
12/25/19

TRITECH

ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820

TELEPHONE 603.742.8107
FACSIMILE 603.742.3830

December 26, 2019

RECEIVED
Planning Office

DEC 26 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
Stephen & Rosemary Forcillo
206 Gulf Road
Tax Map N, Lot 12A
Dover, New Hampshire
Job No. 19137

Dear Christopher;

Enclosed please find ten (10) half size copies of the **Zoning Variance Plan** (V-1 with Arial Overlay) and ten (10) copies of the **ZBA Application** for the above referenced project. Also enclosed an 8 1/2 x 11 copy of the above referenced plan and the application fee (\$180.00-Check #6273).

Please place this application on the January 16, 2020 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

\\19137_ZBA_SubmLtr.docx



**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



A



B

Photos of 206 Gulf Road
A = from Gulf Road showing house sideways on lot.

B = view of proposed lot with a view of 206 on left and 210 Gulf on right. My sister's house is on left in photo.

C = from beginning of proposed lot looking at 206 driveway perpendicular set to Gulf Road.

D = proposed lot from the yard at 210 Gulf Road.



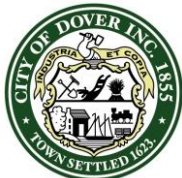
C



D

Z20-01 206 Gulf Road

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
N0008-A00001	220 GULF RD	KURTZ MICHELLE E &	KURTZ JAMES I	220 GULF RD	DOVER	NH	03820
N0011-000000	210 GULF RD	CARTER ROBERT L &	CARTER MARGARET A	210 GULF RD	DOVER	NH	03820-5109
N0012-B00000	GULF RD	DEMERS PATRICIA F & ROBERT TRUSTEES	DEMERS PATRICIA REVOCABLE TRUST	358 GULF ROAD	DOVER	NH	03820
N0012-B00001	189 GULF RD	DEMERS ROBERT J &	DEMERS MONIQUE	189 GULF ROAD	DOVER	NH	03820
N0015-000000	145 GULF RD	COCHECO COUNTRY CLUB		145 GULF RD	DOVER	NH	03820
N0012-A00000	206 GULF RD	FORCILLO ROSEMARY L & TRITECH ENGINEERING CORP.	FORCILLO STEPHEN A ROBERT J STOWELL, P.E.,L.L.S.	206 GULF RD 755 CENTRAL AVENUE	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, January 16, 2020
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit the expansion of a home child care.

UNITS PROPOSED: N/A

AGENDA ITEM #: 4-B

ZONING DISTRICT: R-12

FILE: Z20-02

APPLICANT/OWNER: Mary Paola

LOCATION: 31 Tennyson Avenue (Tax Map 21, Lot 76)

ACREAGE: 0.23 ac. (10,019 sq. ft.)

EXISTING LAND USE: Single-family dwelling and child care home

PROPOSED LAND USE: Same

SURROUNDING LAND USE: Single-family dwellings

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application

STAFF RECOMMENDATION:
Staff supports the variance request.

SUMMARY OF APPEAL AND BACKGROUND

The property is located on the southeast corner of the intersection of Tennyson Avenue and Henry Law Avenue. Since 1987, the owner/applicant has been licensed to provide child care in the home. However, until 2010 the Zoning Ordinance did not contemplate types of child care. Today, the Ordinance permits both commercial child care facilities and in-home child care, but a “child care home” is capped at 12 children.

Where the business constitutes a legally nonconforming use, a variance is required to increase the nonconformity. The applicant wishes to obtain state approval to care for 30 children rather than 24 children, and must first obtain City approval to obtain the expanded state license.

REASON FOR STAFF RECOMMENDATION

The proposed use represents the growth of an existing, legally nonconforming use to accommodate new siblings. As such, an increase in drop-off/pick-ups is not expected. The applicant has also represented that the increase does not require additional staff. Additional space within the home has been converted to accommodate the additional children, but external changes are not required. The home will continue to be a single-family home.

A non-residential child-care facility, as defined by **Section 170-6** of the Zoning Ordinance, is permitted in the R-12 Zoning District but would require the owner to live elsewhere. Allowing the expanded use allows the property to remain residential in nature.

RECOMMENDATION

Staff recommends that the Zoning Board hold a public hearing, make findings of fact, and vote on the variance request. Staff supports granting the variance request with the following condition:

1. The use shall be subject to the requirements of the Customary Home Occupation regulations, 170-18.

Z 20-02

**Property Information**

Property ID 21076-000000
Location 31 TENNYSON AV
Owner SLINGERLAND STEPHEN D &
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

Mary Paola
31 Tennyson Avenue
Dover, NH 03820

December 26, 2019

Zoning Board of Adjustment
288 Central Avenue
Dover, NH 03820

RECEIVED
Planning Office
DEC 26 2019
Dover, New Hampshire

Dear Members of the Board:

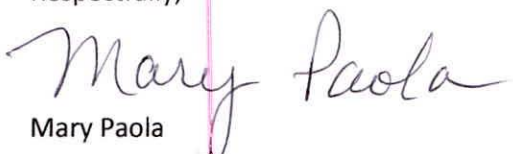
My name is Mary Paola and I am the owner and the Program Director of Little Lamb Nursery, LLC. I opened my business in 1987, in my home, after having received all the necessary approvals from the City of Dover and the State of NH. I have been approved to provide care for 24 children for the last sixteen years. I am before this board now because I want to increase my enrollment from 24 to 30 in order to accommodate siblings of children already enrolled in my program.

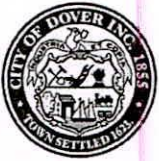
Childcare has always been an allowable use in my residential zone; however the terminology used to describe the types of care performed has evolved over the years. In the late eighties, Licensing began using the term Center. This term was not used to determine the type of building where the program was located, but rather to establish the criteria necessary to operate the program.

The current license application for each type of care includes forms which must be completed by Fire, Health, and Zoning Officials. These forms are supplied by the State and are the same regardless of what town or city the applicant resides in. The State Licensing Agency determines what type of license an applicant may qualify for based on the ages of the children cared for, the level of education of the caregivers, and the square footage available for the children to use. Although the State of NH does update their forms it is a slow process and unfortunately, not all the forms use the same terms. Some forms from the state refer to childcare programs, others childcare agencies, and many use the term center. There is nothing within the State Regulations which forbids a center director from living at the center. The City of Dover has ordinances for childcare programs which define them as either facility, home daycare, or family group daycare. Center is not part of the ordinance and Facility is not a category on the State of NH forms. I require a variance because I live and work in the same building and operate as a center.

I am seeking to increase my enrollment because I work with young, growing families. My request will not increase traffic on my road or create parking issues as I am only seeking to enroll children which are siblings from families I already have at my center. There will not be a negative impact on the neighborhood and I will be helping families by continuing to provide access to high quality childcare, a service which is extremely difficult to find and desperately needed in the Dover Community.

Respectfully,


Mary Paola



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 2, 2017]

RECEIVED
Planning Office

Office Use Only Case #:

220-02

Date Received:

DEC 26 2019

Amount Paid: \$

Time Received:

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Mary Paola Phone # 743-3102

Address of Applicant: 31 Tennyson Ave

E-Mail Address: littlelambnursery@yahoo.com

PROPERTY OWNER (if different from applicant): _____

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 31 Tennyson Ave

Brief Directions: Corner of Tennyson Ave & Henry Law Ave

Zoning District: R-12 Assessor's Map # 21 Lot(s) # 76

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:

I plan to continue providing childcare and I want to
increase my enrollment from 24 to 30 in order to
accommodate siblings of currently enrolled children.

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 6 of the Zoning Ordinance to permit:

An increase in enrollment from 24 to 30.

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:

We are not making any changes which will impact the public in a negative way. We will be offering care to more children, which is critically needed in Dover, without impacting the neighborhood. The children will arrive with their siblings.

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

The ordinance does not define center as a type of childcare.

3. Granting the variance would do substantial justice because:

Childcare is extremely difficult to find in Dover. The waiting lists are long and offer families with multiple children very little hope of finding care in a high quality program. Fewer people are entering the field and programs are closing. I want to be able to support my enrolled families by providing care for additional members of their families.

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

Enrolling 6 siblings will not diminish the value of the surrounding homes in the neighborhood because nothing will change. Traffic and parking will not be impacted due to the children arriving in the cars which already come. I will continue to reside on site ensuring the home is maintained properly.

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:

I have been providing childcare from my home since 1987. This makes it unique as the rest of the neighborhood is residential. This use predates the majority of homeowners in the immediate vicinity.

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:

The ordinance is designed for new childcare homes and does not take into account existing homes which need to expand. We could continue to operate and provide care for 24 children without the variance. We feel adding six more won't impact the neighborhood but will make a huge difference to the families who need care.

and

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

We are currently licensed as a center which is a term used by the State of NH. The city of Dover doesn't use the term. Our program will not change in terms of parking or increased traffic. Childcare is extremely difficult to find and I have the ability to continue to provide a service which benefits the community without any negative impact on others.

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.

Mary Paola

Signature of Applicant*

Mary Paola

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: Mary Paola Date: 12/26/2019

31 Tennyson



Property Information

Property ID 21076-000000
Location 31 TENNYSON AV
Owner SLINGERLAND STEPHEN D &
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

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Geometry updated 10/18/2019
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Z20-02 31 Tennyson Avenue

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
21026-002000	3 PENNY LN	WEBBER DANA M		3 PENNY LN	DOVER	NH	03820
21026-003000	5 PENNY LN	SPELLMAN NICHOLAS T		5 PENNY LN	DOVER	NH	03820
21026-004000	7 PENNY LN	PERRON IRENE M	PERRON MARC R	7 PENNY LANE	DOVER	NH	03820
21026-01A000	1 PENNY LN	FRACASSA NORM JR	FRACASSA AMY V	1 PENNY LN	DOVER	NH	03820
21068-000000	26 TENNYSON AV	WEIK BARBARA A		26 TENNYSON AVENUE	DOVER	NH	03820
21071-000000	181 HENRY LAW AV	DEOLIVEIRA LUCIO	DEOLIVEIRA GRACE	181 HENRY LAW AVENUE	DOVER	NH	03820
21072-000000	28 TENNYSON AV	PETTENGILL ROBERT & MATILDE TRUSTEE	PETTENGILL FAMILY REVOCABLE TRUST	28 TENNYSON AVENUE	DOVER	NH	03820
21073-000000	27 TENNYSON AV	CHASSE LORRAINE	CHASSE GERRY D	27 TENNYSON AVENUE	DOVER	NH	03820
21074-000000	30 TENNYSON AV	WATTS RICHARD E		30 TENNYSON AVENUE	DOVER	NH	03820
21075-000000	29 TENNYSON AV	MARSHALL CAROL A		29 TENNYSON AV	DOVER	NH	03820
21077-000000	183 HENRY LAW AV	LACROIX FRED A		183 HENRY LAW AV	DOVER	NH	03820
K0001-000000	200 HENRY LAW AV	ROUSSEAU SUSAN J	ROUSSEAU PETER	200 HENRY LAW AVENUE	DOVER	NH	03820
K0002-000000	HENRY LAW AV	STATE OF NEW HAMPSHIRE	C/O NH FISH AND GAME	11 HAZEN DR	CONCORD	NH	03301
K0002-B00000	178 HENRY LAW AV	LORD ELAINE &	BUNDZA JUANITA LORD	125 HENRY LAW AV	DOVER	NH	03820
K0002-E00000	180 HENRY LAW AV	GOLLEDGE CAROL C	GOLLEDGE GARY A	180 HENRY LAW AVENUE	DOVER	NH	03820
K0002-G00000	182 HENRY LAW AV	CROTEAU JEFFREY &	MCDERMOTT CAROL E	182 HENRY LAW AVE	DOVER	NH	03820
K0002-K00000	174 HENRY LAW AV	TARDIFF CHRISTINE S &	TARDIFF GERRY C	9 BUFORD RD	PEABODY	MA	01960
K0002-M00000	176 HENRY LAW AV	SOUSA BARBARA A	SOUSA RONALD J	176 HENRY LAW AVENUE	DOVER	NH	03820
21076-000000	31 TENNYSON AV	SLINGERLAND STEPHEN D &	PAOLA MARY ELLEN	31 TENNYSON AVENUE	DOVER	NH	03820