



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers & Council Conference Room, City Hall**
288 Central Ave., Dover, NH 03820
Meeting Date: **Thursday, August 20, 2020**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF JUNE 18, 2020

3. HEARINGS

- A. Z20-05 Owners Theron Alex and Mandy Pemberton, 120 County Farm Cross Road (Tax Map B, Lot 14-C), request a variance from **Sections 170-24.C and 170-24.F** of the Zoning Ordinance to permit an Accessory Dwelling Unit (ADU) of 1,350 square feet in living area, where a maximum of 800 square feet is permitted, and which is served by a separate electric meter, where shared utilities between the principal dwelling and ADU are required.

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 & Council Conference Room, City Hall – 288
Central Ave., Dover, NH 03820
Meeting Date: Thursday, June 18, 2020
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior (Chair), Otis Perry (Vice Chair), Nick Couturier, Anthony Sillitta (Alternate), James Burdin (Alternate)

Members Absent (Excused): Frank Landford, Rich Onufry (Alternate)

Members Absent (Unexcused): George Reagan

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 MAY 21, 2020

Motion: Otis Perry moved to approve the minutes of May 21, 2020 as submitted. Seconded by James Burdin. **Vote:** U/A

3. HEARINGS

- A. Z19-18 Applicant/Owner R. Craig Williams, 105 Middle Road (Take Map K, Lot 6), located in the Rural Residential (R-40) Zoning District, requests a variance from **Section 170-12.A** of the Zoning Ordinance to permit a two-family dwelling, where two-family dwellings are only permitted as a conversion of a single-family dwelling that existed before May 27, 1964, provided that there is at least 4,000 square feet of lot area per dwelling unit and each unit is a minimum of 500 square feet. The Applicant plans to demolish the existing pre-1964 dwelling.

The applicant, R. Craig Williams gave a summary of the case. Because of its age, the structure is permitted to become a duplex. It has been damaged which will make the renovation much more complicated. He is asking for a variance to build a new duplex structure further back from the road which will meet zoning regulations and be energy efficient and meet all building codes.

When he purchased the property, there was a life estate for the owner. Prior to the owner vacating the property, the home sustained major water damage.

Public hearing was reopened.

No public was present to make any comments in person.

The Chair stated two additional email comments were received to the office regarding this case.

Elena Piekut summarized the concerns which were that there would be a precedent set and a number of duplexes would be added to the neighborhood.

The applicant also submitted a letter by email and summarized it that if the variance is not granted, he will have to renovate the current structure in its current location which will involve applying for permits for additions.



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James Burdin wondered could it be renovated rather than demolished? It's not economically feasible because so much work would have to be done. The foundation is an undesirable stone foundation so it would be much better to start with a new foundation.

STAFF RECOMMENDATION:

Elena Piekut stated the Planning Department recommends granting the variance with the following proposed condition: The new principal structure shall be located in the same general vicinity as the existing single-family dwelling, but this condition should not be construed as granting relief from the front setback requirements.

The applicant had suggested a front setback of 200' but she would prefer the home go onto the same already disturbed area.

The public hearing was closed.

Motion: Otis Perry moved to grant the variance with staff recommended condition and that the applicant continue to use the same entrance off Middle Rd, meet the 40' setback and work with the Planning Department staff to finalize placement of the structure within the same general area of the current structure.

The applicant noted he might take the barn down and if there are two garages, he might need two different driveways.

Otis Perry withdrew his motion.

Motion: James Burdin moved to grant the variance with staff recommended condition. Seconded by Nick Couturier.

James Burdin noted the Board has made clear their opinions through discussion that they don't want the home to be on the other side of the street and they don't want it set back too far. He does not want the motion for approval to be so specific, but that the applicant should work with the department staff to finalize the details.

Otis Perry said it's a wise use of the variance because of the situation. The rationale for allowing two units in older buildings is because older buildings are generally large. He supports what the applicant wants to do with this property. Granting this variance will not allow additional duplexes on that property. Further development of the property will require the applicant to follow standards and come back before the board.

Chair Prior agreed that the applicant has met the criteria for variance.

Vote: U/A

4. OTHER BUSINESS

Elena Piekut noted all boards are starting to meet in person. City Hall is opening to the public for normal hours and public can enter without the need of a scheduled appointment beginning Monday June 22nd.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

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Central Ave., Dover, NH 03820
Meeting Date: **Thursday, June 18, 2020**
Meeting Time: **7:00 pm**

5. ADJOURN

Motion: Otis Perry moved to adjourn at 7:25pm. Anthony Sillitta seconded.

Vote: U/A

DRAFT



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, August 20, 2020
Meeting Time: 7:00 pm

INTENT: The Applicant requests a variance to permit an accessory dwelling unit (ADU) exceeding the maximum 800 sq. ft. of living area.

UNITS PROPOSED: Accessory dwelling unit (ADU)

AGENDA ITEM #: 3-A

ZONING DISTRICT: Rural Residential (R-40)

FILE: Z20-05

APPLICANT/OWNER: Theron Alex and Mandy Pemberton

LOCATION: 120 County Farm Cross Road (Tax Map B, Lot 14-C)

ACREAGE: 2.25 acres

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwelling

SURROUNDING LAND USE: Single-family dwellings

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, plan

STAFF RECOMMENDATION: Staff neither supports nor opposes granting the variance request.

BACKGROUND INFORMATION

The property subject to this variance request is a 2.25-acre lot located on the southeast side of County Farm Cross Road. Located on the property are a single-family home and two outbuildings. The 40' x 50' garage, built in 2000 and located toward the front of the property, is the structure in question. The existing single-family dwelling and barn are set about 200 feet farther back on the property.

In all zoning districts where single-family dwellings are permitted, Accessory Dwelling Units (ADUs) have been permitted since 2012. In order to maintain these units as accessory and subordinate to single-family dwellings, several restrictions are placed upon them. The living area is restricted to 800 sq. ft., the property owner must live in the ADU or in the main home, utilities must be shared between the units, and condominiums may not be formed. Attached ADUs must not cause the building to resemble a duplex, and detached ADUs may only be located on the second story (or higher) of a detached structure.

REASON FOR RECOMMENDATION

The garage in question is designed such that the second story contains less usable floor area than the 2000-square-foot first story.



The applicant proposes an ADU of approximately 1,350 square feet. Although the structure exists, this second-story space is unfinished and could accommodate an ADU of 800 square feet. A separate electric meter also exists, while ADUs are required to share utilities with their associated single-family dwelling. It is reasonable to vary the requirement for sharing an electric meter, where these existing structures are located nearly 200 feet apart.

An ADU is always a reasonable use as an accessory to a single-family dwelling, and is very unlikely to have a negative impact on property values, especially in an existing structure. While the existing accessory structure is unique in how large it is, its size does not preclude the applicant from designing a conforming unit.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the variance criteria. Staff does not oppose granting the variance. The Board may also consider continuing the public hearing and requesting a floor plan before making a decision.

Bruton & Berube, PLLC
601 Central Avenue
Dover, NH 03820

August 7, 2020

City of Dover, NH
Attn: Zoning Board of Adjustment
288 Central Avenue
Dover, NH 03820

Re: Variance Application to Construct an Accessory Dwelling Unit
Applicant: Theron Alex & Mandy Pemberton c/o Bruton & Berube, PLLC
Owners: Theron Alex & Mandy Pemberton
Address: 120 County Farm Cross Road, Dover, NH 03820
MBLU: Map B, Lot 14C
Zone: R-40: Rural Residential District

Dear Board Members:

The purpose of this letter is to supplement the Variance Application (the “Application”) on behalf of Theron C. Alex and Mandy M. Pemberton (the “Applicant”) to construct an accessory dwelling unit (the “ADU”) above an existing garage located at 120 County Farm Cross Road in Dover, New Hampshire (Map B, Lot 14C, hereafter the “Property”).

After submission, counsel noticed two typographical errors in the Application: 1) Theron C. Alex and Mandy M. Pemberton are not a married couple, and 2) the square footage of the ADU is 1,350 square feet, not 1,800 square feet.

Counsel apologizes for the errors and respectfully requests the Board accept these two corrections to its application.

Please contact me with questions or concerns at josh@brutonlaw.com or 603-749-4529.

Sincerely,

Joshua P. Lanzetta, *Esq.*



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

RECEIVED
Planning Office
[Revised April, 2017]

Office Use Only	Case #: <u>220-05</u>	Date Received: <u>JUL 29 2020</u>	
	Amount Paid: \$ _____	Time Received: _____	Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

Theron C. Alex & Mandy Pemberton

APPLICANT: c/o Bruton & Berube, PLLC Phone # 603-749-4529

Address of Applicant: 601 Central Avenue, Dover, NH 03820

E-Mail Address: josh@brutonlaw.com

PROPERTY OWNER (*if different from applicant*): Same

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 120 County Farm Road, Dover, NH 03820

Brief Directions: From downtown Dover, take 6th street to County Farm Cross Road. Take a left on County Farm Cross Road. Destination will be on the right approximately .6 of a mile from the intersection.

Zoning District: _____ Assessor's Map # B Lot(s) # 14C

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:

Please see enclosed materials.

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:

Please see enclosed materials.

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:

Please see enclosed materials.

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

Please see enclosed materials.

3. Granting the variance would do substantial justice because:

Please see enclosed materials.

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

Please see enclosed materials.

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:

Please see enclosed materials.

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:

Please see enclosed materials.

and

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

Please see enclosed materials.

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:

Please see enclosed materials.

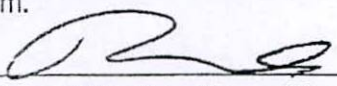
SIGNATURE PAGE

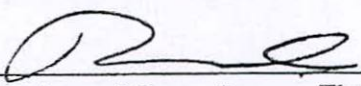
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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.

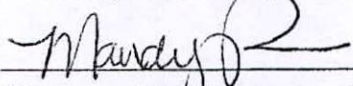
IMPORTANT

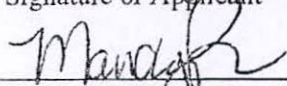
PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED.


Signature of Applicant* Theron C. Alex


Signature of Owner* Theron C. Alex

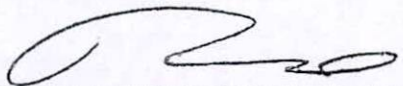
*Both Signatures Required


Signature of Applicant Mandy M. Pemberton

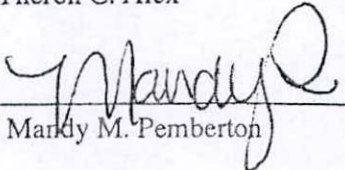

Signature of Owner Mandy M. Pemberton

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: 
Theron C. Alex

Date: 7/28/20


Mandy M. Pemberton

Date: 7/28/2020

Return to:
Mandy M. Pemberton and Theron C. Alex
120 County Farm Cross Road
Dover, NH 03820

E-Doc # 200006927
Book 4759 Page 671

05/12/2020 11:36:54 AM
Page 1 of 2

Catherine A. Berube
Register of Deeds, Strafford County
LCHIP STA157614 25.00
TRANS TAX ST850924 7,950.00

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That **Nicole Wheeler**, single, and **Mark Fowler**, single, of 120 County Farm Cross Road, Dover, NH 03820, for consideration paid grant(s) to **Mandy M. Pemberton**, and **Theron C. Alex**, Both Single, of 18 Fosters Drive, Dover, NH 03820 as joint tenants with rights of survivorship with WARRANTY COVENANTS:

A certain parcel of land, with the buildings thereon, situated on County Farm Cross Road, Dover, County of Strafford and State of New Hampshire known as Map B, Lot 14C as shown on a plan entitled "Subdivision Plan for Ronald & Nicole Mercier, 120 County Farm Cross Road, Dover, New Hampshire" as surveyed by TriTech Engineering Corporation dated May 28, 2018 and approved by the City of Dover, New Hampshire Planning Board on August 28, 2018 and recorded in the Strafford County Registry of Deeds as Plan 116-076 on September 11, 2018 to which said plan is referred to for a more particular metes and bounds description of said lot.

Said Lot 14C contains 2.255 acres, more or less according to said plan.

Subject to all matters, notes, requirements, easements, setback lines and 50' wet buffer as shown on said plan.

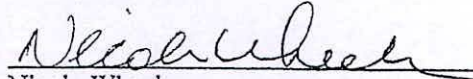
Meaning and intending to describe and convey a portion of the same premises conveyed to Nicole Wheeler and Mark Fowler by virtue of a deed of Ronald R. Mercier and Nicole B. Mercier dated January 30, 2019 and recorded in the Strafford County Registry of Deeds at Book 4632, Page 758.

We, Nicole Wheeler and Mark Fowler, the above grantors hereby release all rights of homestead in the above described premises.

Executed this 8 day of May, 2020.



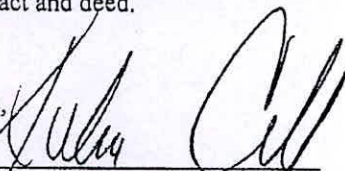
Mark Fowler



Nicole Wheeler

State of New Hampshire
County of Rockingham

On this 8 day of May, 2020, personally appeared the above named Mark Fowler and Nicole Wheeler known to me or satisfactorily proven through proof of identification (i.e. their driver's licenses) to be the individuals who executed the foregoing instrument, and swore to and acknowledged the same to be their voluntary act and deed.

Before me, 

Notary Public/Justice of the Peace
My commission expires:

Kalena M. Carroll
Commissioner Of Deeds
State of New Hampshire
My Commission Expires
February 6, 2024

APPLICANT, OWNER, AND PROFESSIONAL NOTIFICATION LIST

Re: Variance Application to Construct an Accessory Dwelling Unit
Applicant: Theron Alex & Mandy Pemberton c/o Bruton & Berube, PLLC
Owners: Theron Alex & Mandy Pemberton
Address: 120 County Farm Cross Road, Dover, NH 03820
MBLU: Map B, Lot 14C
Zone: R-40: Rural Residential District

Applicant/ Owner:

Theron Alex and Mandy Pemberton
50 Pointe Place
Dover NH 03820

Professionals:

Bruton & Berube, PLLC
Attn: Josh Lanzetta, *Esq.*
601 Central Avenue
Dover, NH 03820

Tritech Engineering Corporation
Attn: Bob Stohl
755 Central Avenue
Dover, NH 03820

FRANCIS X. BRUTON, III
CATHERINE A. BERUBE
JOSHUA P. LANZETTA

OF COUNSEL
JAMES H. SCHULTE

Bruton & Berube, PLLC

ATTORNEYS AT LAW

601 Central Avenue
Dover, NH 03820

TEL (603) 749-4529
(603) 743-6300
FAX (603) 343-2986

www.brutonlaw.com

July 29, 2020

City of Dover, NH
Attn: Zoning Board of Adjustment
288 Central Avenue
Dover, NH 03820

RECEIVED
Planning Office
JUL 29 2020
Dover, New Hampshire

Re: Variance Application to Construct an Accessory Dwelling Unit
Applicant: Theron Alex & Mandy Pemberton c/o Bruton & Berube, PLLC
Owners: Theron Alex & Mandy Pemberton
Address: 120 County Farm Cross Road, Dover, NH 03820
MBLU: Map B, Lot 14C
Zone: R-40: Rural Residential District

Dear Board Members:

The purpose of this letter is to submit a Variance Application (the "Application") on behalf of Theron C. Alex and Mandy M. Pemberton, a married couple, (the "Applicant") to construct an accessory dwelling unit (the "ADU") above an existing garage located at 120 County Farm Cross Road in Dover, New Hampshire (Map B, Lot 14C, hereafter the "Property").

Pursuant to NH RSA 674:33(I)(b)(1) – (5) and the City of Dover, NH Zoning Ordinance (the "Ordinance"), the Applicant seeks a variance under Ordinance sections 170-24(C) and 170-24(F), and respectfully requests that the Zoning Board of Adjustment (the "ZBA") schedule a hearing in August to review and grant its Application.

I. ENCLOSED DOCUMENTS

Enclosed please find a check in the amount of Two Hundred Dollars (\$200.00) made payable to the City of Dover, NH, and ten (10) each of the following documents:

1. Application;
2. Warranty Deed dated May 12, 2020 and recorded in the Strafford County Registry of Deeds at Book 4759, Page 671;
3. Applicant, Owner, and Professional Notification List;
4. Variance Plan drafted by Tritech Engineering (11 x 17) (the "Plans");
5. Plans (8x11).

II. PROJECT NARRATIVE

Theron Alex and Mandy Pemberton are a married couple who recently purchased real property on County Farm Cross Road in Dover's R-40 zoning district. The Property is improved with a single-family home, barn, garage, and small dock.

As illustrated by the enclosed Plans, the garage sits 13' from the Property's side lot line and was constructed with an unfinished 1,800 SQFT second story. The garage is independently metered for electricity and is currently not connected to the Property's existing septic system.

The Applicant desires to convert the second story of the existing garage into an ADU (the "Project"). This Project does not propose construction outside of the existing garage footprint and will remain wholly on the second floor of the garage. However, pursuant to the Ordinance, ADU's are limited to 800 SQFT in Dover, necessitating two variances, the first from section 170-24 (C) to permit an 1800 SQFT unit, and the second from section 170-24 (F) to permit an ADU with a separate electrical meter and septic system.

III. LEGAL ANALYSIS

This Project substantially complies with the Ordinance and relevant New Hampshire law.

A. The project substantially complies with the five variance criteria as set forth in NH RSA 674:33.

The variance criteria provided in RSA 674:33 are enumerated and *italicized* below; the Applicant's responses follow in plain text.

1. *The variance will not be contrary to the public interest.*

The public interest is served by permitting the orderly development of property. Here, the project will not alter the essential character of the neighborhood and maintains the Property's existing aesthetics by staying within the footprint of a previously existing structure.

2. *The spirit of the ordinance is observed.*

The spirit of the ordinance is observed because the Project represents a suitable use in light of the Property's current and historic use and location. Converting an existing second story loft with a predetermined square footage encourages the most appropriate use of land in Dover's R-40 zone when juxtaposed with the intent of the zone and Dover's ADU guidelines.

3. *Substantial justice is done.*

Substantial justice is done by granting this variance because it allows the Applicant's property to be appropriately utilized in light of its location and current use. This proposal does not burden the public or ecosystem in any way, and substantially benefits the Applicant by allowing them to construct an ADU in an existing structure on their Property.

4. *The values surrounding the properties are not diminished.*

The Applicant respectfully asserts that all surrounding properties have an associated value that is premised upon the existence of structures similar to those located on the Property, and that improvements on the Property will likely increase comparable neighboring property values. Here, the Project will not affect any abutting neighbor and is consistent with other uses in the near vicinity and the existing zoning.

5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*

a. *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.*

ADU's are permitted by right in Dover's R-40 zone, with the limitation that ADU's remain 800 SQFT or less. Here, a detached garage with a 2000 SQFT footprint and an 1800 SQFT second story, built and ready for finishing, already exists on the Property.

The Applicant seeks to finish only the second story, in full compliance with Dover's requirements for ADU's located in Accessory Structures, and does not seek to expand the footprint of the existing garage.

As such, there is no fair and substantial relationship between the general public purpose of the ordinance provision (i.e., that ADU's must be no larger than 800 SQFT) and the specific application of the provision to the Property (where an existing structure with an unfinished space larger than 800 SQFT exists).

b. *The proposed use is a reasonable one.*

ADU's are permitted by right in the State of New Hampshire. Adding an ADU to an existing structure is reasonable and promotes the orderly development of property in the City of Dover.

Accordingly, use of the second floor of an existing garage is reasonable in light of the Property's current use and the overall timbre of the neighborhood.

B. The project substantially complies with the Ordinance.

Relevant Ordinance criteria are enumerated and *italicized* below; the Applicant's responses follow in plain text.

1. *Art. II § 170-6(B). Accessory Dwelling Unit means a secondary dwelling unit (a) attached and subordinate to a single family dwelling or (b) constructed above a detached garage that is accessory and subordinate to a single family dwelling. See Section 170-24 for the ACCESSORY DWELLING UNIT regulations.*

The Project constitutes an Accessory Dwelling Unit as defined in subsection b above because the proposed ADU is located above a detached garage that is accessory and subordinate to a single-family home located on the rear of the Property.

2. *Art. VI § 170-24. Where permitted, an ACCESSORY DWELLING UNIT shall comply with the following:*

A. A maximum of one (1) ACCESSORY DWELLING UNIT (ADU) per property is permitted. An ADU shall not be permitted on property where more than one DWELLING UNIT currently exists.

The Project proposes construction of one ADU on the Property.

B. Exterior Alterations, enlargements, or extensions of the Single Family Dwelling or detached Accessory Structure are permitted in order to accommodate the Accessory Dwelling Unit. However, no such change is permitted which would ALTER the appearance of the Single Family Dwelling to look like a duplex or any other multi-family Structure (i.e., the house should not look like it was designed to occupy more than one family). The construction of any access ways into the house and/or detached garage which are required for access to the Accessory Dwelling Unit shall be located to the side or Rear of the Building whenever possible.

The Project proposes no change or alteration to the appearance of either the Single Family Dwelling or the Accessory Dwelling Unit. The Project proposes the conversion of a second story located above an existing garage.

C. An ADU shall have an area of no less than three hundred (300) square feet and no greater than eight hundred (800) square feet. If located in a detached Accessory Structure, the Accessory Dwelling Unit shall be located entirely on the second floor of the Structure.

The Project proposes building an ADU wholly on the second floor of a detached Accessory Structure. However, for the aforementioned reasons, the Applicant respectfully requests a variance from the 800 SQFT limitation presented in this subsection.

D. A minimum of one dedicated Off-Street Parking space shall be provided for the ADU.

The Project provides multiple parking spaces for the ADU.

E. The Single Family Dwelling (and detached Accessory Structure, when applicable) and Lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the Single Family Dwelling. In order to ensure compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Strafford County Registry of Deeds and a copy of which shall be provided to the Planning and Community Development Department and the City Assessor prior to the issuance of a Certificate of Occupancy.

The Applicant will comply with this subsection.

F. The property owner must occupy one of the two Dwelling Units. Electric, water and sewer utilities shall be metered on a single bill.

The Applicant will occupy one of the two Dwelling Units. However, the garage has an existing separate electrical meter and the Project proposes a new septic system for the ADU. As such, the Applicant respectfully requests a variance from this subsection.

G. Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.

The Applicant will comply with this subsection.

H. A certificate of use issued by the Zoning Administrator is required to verify conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1st following the date of approval of the certificate of use and then by every January 1st thereafter for so long as the Accessory Dwelling Unit continues. Fees shall be levied as set forth in the City of Dover Fee Schedule, as amended annually, for Accessory Dwelling Unit certificates of use and renewals.

The Applicant will comply with this subsection.

IV. RELIEF REQUESTED

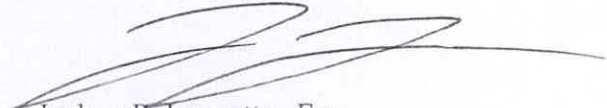
Pursuant to NH RSA 674:33, the Applicant respectfully requests the ZBA:

1. Approve the Application; and

2. Grant any and all relief necessary to affect the aforementioned request.

Please do not hesitate to contact me with questions or concerns at josh@brutonlaw.com or 603-749-4529.

Sincerely,



Joshua P. Lanzetta, *Esq.*

Enclosures (5)

Z20-05

120 County Farm Road

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
B0011-B00000	137 COUNTY FARM CROSS RD	TRETTER JON & ELIZABETH		137 COUNTY FARM CROSS RD	DOVER	NH	03820
B0011-E00000	121 COUNTY FARM CROSS RD	ATHANS JOHN P & GERIANN TRUSTEES	ATHANS JOHN P AND GERIANN A REVOCABLE LI	121 COUNTY FARM CROSS RD	DOVER	NH	03820
B0011-F00000	107 COUNTY FARM CROSS RD	ADAMS GARY	ADAMS MARY	107 COUNTY FARM CROSS RD	DOVER	NH	03820
B0011-G00000	115 COUNTY FARM CROSS RD	BAGDON SAMUEL		115 COUNTY FARM CROSS RD	DOVER	NH	03820
B0013-A00000	100 COUNTY FARM CROSS RD	MERKLEY MARY B		98 COUNTY FARM CROSS ROAD	DOVER	NH	03820
B0014-000000	108 COUNTY FARM CROSS RD	ROYER RAYMOND & MARLENE TRUSTEES	ROYER RAYMOND AND MARLENE REV LIV TRUST	108 COUNTY FARM CROSS ROAD	DOVER	NH	03820
B0014-A00000	114 COUNTY FARM CROSS RD	SEETARAM VICTORIA N		114 COUNTY FARM CROSS RD	DOVER	NH	03820
B0014-B00000	138 COUNTY FARM CROSS RD	BERRIDGE DANIEL C		138 COUNTY FARM CROSS RD	DOVER	NH	03820
B0014-D00000	COUNTY FARM CROSS RD	GOOD UP AND DOWN LLC		18 PARTRIDGE LN	DOVER	NH	03820
B0018-000000	COUNTY FARM CROSS RD	CORNERSTONE CROSSING HOA		PO BOX 1872	DOVER	NH	03821
B0014-C00000	120 COUNTY FARM CROSS RD	PEMBERTON MANDY M & BRUTON & BERUBE, PLLC TRITECH ENGINEERING CORPORATION	ALEX THERON C JOSH LANZETTA, ESQ. ROBERT STOWELL	120 COUNTY FARM CROSS RD 601 CENTRAL AVENUE 755 CENTRAL AVENUE	DOVER DOVER DOVER	NH NH NH	03820 03820 03820