



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

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

1. ATTENDANCE

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

Members Absent (Excused): Otis Perry (Vice Chair), Frank Landford, James Burdin (Alternate)

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

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

2. APPROVAL OF MEETING MINUTES OF JUNE 18, 2020

Motion: Nick Couturier moved to approve the minutes of June 18, 2020 as submitted. Seconded by Anthony Sillitta. Vote: 3-0-2 with George Reagan and Rich Onufry abstaining.

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.

Chair Prior explained the hearing process.

Nick Couturier noted he is a direct abutter to the applicant, recused himself from the case and left the meeting.

Chair Prior explained four members are still a quorum, but three votes in favor will be necessary for the variance to be granted. The applicant has the option to wait to present the request at another meeting when five voting members are available. The applicant elected to move forward with presenting the request tonight.

Atty Josh Lanzetta, Burton & Berube represented the applicant and presented the case. He thanked the Planning Department for its ongoing assistance. Slides of aerial photos of the property were shown. The cape-style home is in the rear of the property and there is a gambrel-style unfinished barn at the front of the property. The applicants would like to renovate the barn into an ADU so they can live in what's now an unfinished attic space. Large windows on either end of the second story will act as emergency egress.

Current regulations do not allow an ADU over 800 square feet. The current barn structure is 1,350 square feet on the second story which is why they are requesting a variance to finish the second story. Dover requires the utility meter be the same for the primary structure and the ADU. There are already two separate meters and two separate services for the structures which are very far apart on the property. The



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home was built in the 1970s and the barn was built in the early 2000s. Both of these reasons for requesting variance are already in existence. The applicant is looking to use what is already in place.

Mr. Lanzetta noted he has addressed all of the zoning criteria within the paperwork submitted to the City, but he specifically wanted to address the 5th criteria: hardship. He looks at hardship for variance as when the zoning ordinance creates hardship on the specific property. The ordinance cannot uniformly fit all properties because some properties are unique. Here, the 800-square-foot regulation is creating a hardship for this property because no new structure is being built. The applicant only wants to finish a portion of the structure which already exists and is somewhat new. Also, it is an unreasonable ask to have these applicants to combine these two structures back to one utility service. It would require trenching and possibly a utility pole. It would be a very expensive process, and the current configuration is safer anyway. Granting this variance will allow the applicants to use their property to the maximum effect.

Chair Prior asked if the property is on City water/sewer or well and septic? Steve Haight, Civilworks created septic design plan with a separate septic for the ADU which has been submitted, but not yet stamped. The applicant explained their living situation and intentions for use of the structures to the board. The design for the ADU will be two bedrooms, two baths. There are three bedrooms in the primary home.

Public hearing was opened.

No public was present to make any comments in person and no comments were received to the office.

STAFF RECOMMENDATION:

Elena Piekut stated the Planning Department is neutral regarding this variance, and more supportive now that design elements have been discussed. The construction and layout of the proposed finish will be discussed with staff through the permitting process. She has no issue with the electric metering being left as-is. An ADU is a reasonable use and this larger unit wouldn't have negative effects on the neighborhood.

George Reagan began discussion about how to maintain subordination by the ADU on the property.

The public hearing was closed.

George Reagan noted the separate meter is reasonable. The proposal is a great use of the space and meets the criteria and the spirit of what an ADU is for – to create additional residential opportunities without using up a lot of space.

Motion: George Reagan moved to grant the variance to permit an ADU exceeding the maximum square feet of 800 square feet, up to 1,350 square feet, and to allow separate electric metering. Anthony Sillitta seconded. Vote: U/A

4. OTHER BUSINESS

None.

5. ADJOURN

Motion: Rich Onufry moved to adjourn at 7:35pm. Anthony Sillitta seconded. Vote: U/A