



Planning
Community Development
Zoning
Conservation Commission
Historic District Commission

Planning & Development Department
City Hall - Second Floor
31 Wakefield Street
ROCHESTER, NEW HAMPSHIRE 03867-1917
(603) 335-1338 - Fax (603) 335-7585
Web Site: <http://www.rochesternh.net>

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JUL 15 2011

Planning Dept.

APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2011-20

DATE FILED 7-15-11

C. Alms
ZONING BOARD CLERK

Phone No (603) 781-0912

Name of applicant DARREN MOCHRIE

Address 4 ABBOTT STREET, EAST ROCHESTER, NH 03868

Owner of property concerned SAME
(If the same as applicant, write "same")

Address SAME
(If the same as applicant, write "same")

Location 4 ABBOTT STREET, EAST ROCHESTER, NH 03868

Map No. 103 Lot No. 81 Zone R2

Description of property SINGLE FAMILY RESIDENTIAL 0.070 ACRES 1,220 SF

Proposed use or existing use affected RESIDENTIAL

The undersigned hereby requests a variance to the terms of Article 42 Section 16

and asked that said terms be waived to permit A PREEXISTING AT-GRADE DECK STRUCTURE
WITHIN SIDE AND REAR SETBACKS.

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitute grounds for a variance.

Signed D. Mochrie
(Applicant)

Date JUL 15 2011

CRITERION FOR VARIANCE

Case # _____

Date: _____

A Variance is requested by DARREN MOLURIE

from Section 42 Subsection 16

of the Zoning Ordinance to permit: ALLOWANCE OF PRE-EXISTING AT-GRADE
DECK STRUCTURE WITHIN SIDE AND REAR SETBACKS

at 4 ABBOTT ST, EAST ROCHESTER Map 103 Lot 81 Zone R2

Facts supporting this request: (SEE ATTACHED LETTER & GRAPHICS)

1) The proposed use would not diminish surrounding property values because: COMPARED TO THE
STATE/CONDITION OF THE UN-LANDSCAPED BACKYARD WHEN I PURCHASED THE
PROPERTY, THE DECK IMPROVEMENT COULD ONLY BE SEEN AS A POSITIVE CONTRIBUTION
TO THE YARD AND IN NO WAY DIMINISH THE VALUE OF NEIGHBORING PROPERTIES.

2) Granting the variance is not contrary to the public interest because: IT DOES NOT
PRESENT A THREAT TO PUBLIC SAFETY, PUBLIC HEALTH, OR AN IMPAIEMENT OF
PRIVACY, VIEWS, ACCESS TO LIGHT AND AIR, OR THE GENERAL INTEREST OF
NEIGHBORING PROPERTY OWNERS.

3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property: THE R2 SETBACKS LIMIT THE
DEVELOPMENT ENVELOPE ON THE PROPERTY TO A SIZE THAT MAKES THE
PARCEL VIRTUALLY UNDEVELOPABLE, AND LIMITS REASONABLE USE OF THE PROPERTY.

4.) Granting the variance would do substantial justice because: IT WOULD ALLOW A
REASONABLE USE THAT DOESN'T IMPACT NEIGHBORING PROPERTIES, AND FITS
WITHIN THE CHARACTERISTICS OF THE "NEIGHBORHOOD NORM"

5.) The use is not contrary to the spirit of the ordinance because: IT DOES NOT
CONTRIBUTE NEGATIVELY TO THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE
OF THE COMMUNITY.

Name D. Molur Date: JULY 15/2011

4 Abbott Street
East Rochester, NH 03868

July 15, 2011

City of Rochester
Zoning Board of Adjustment
31 Wakefield Street
Rochester, NH 03867-1917

Dear Zoning Board of Adjustment Members:

Please accept this letter and accompanying graphic attachments as part of my application for a variance for a pre-existing at-grade deck structure at 4 Abbott Street in East Rochester (Map 103 Lot 81). The reason for this application is that the at-grade deck structure (built in 2009) is within the side (8 feet) and rear (25 feet) setbacks as required within the R2 zoning district.

As background information, my property is a three-bedroom, single family, New Englander-style residence of approximately 1,220 square feet on a parcel of 0.070 acres according to the City's property assessment information. As you know, the East Rochester Village area is one of the most historic and densely developed neighborhoods in the City – built at a time before formal zoning codes. As such, my property (built in 1882) conforms to the “neighborhood norm” of very small yards, high density, and buildings set very close to neighboring property boundaries (and buildings). These “neighborhood norms” are all aspects that my family and I enjoy and motivated us to move to the area in 2001, and invest in interior and exterior property improvements (including the deck and landscaping – see enclosed photos). Based on the condition of the property when we purchased it over ten years ago, I believe that these improvements have contributed positively to Abbott Street's aesthetic qualities, which, in turn, have positively impacted neighboring property values and the City's tax base.

As shown in Figure 1, the deck structure is approximately 23 feet x 16 feet (368 square feet) and located in the southwest corner of my property, inside the fence line and abutting the neighboring parcels. As shown, the R2 zoning setbacks are such that any building improvement on the parcel (including the existing house and deck) would be non-compliant with zoning and render the parcel undevelopable to modern building standards. Although the deck structure is within the R2 side and rear setbacks, I feel that it conforms to the characteristics of the “neighborhood norm”, does not negatively impact neighboring properties, and, in fact, contributes positively to the value of my property and neighboring properties.

Based on the information contained within the variance application documents, this letter and graphic attachments, I believe you will find that this application meets all five of the conditions to legally grant a variance to Rochester's Zoning Ordinance, namely:

- 1) *The use would not diminish surrounding property values:* Compared to the state of the un-landscaped backyard and deck area which was present when we purchased the

property, the deck does in no way diminish the property values of surrounding properties, but in fact may enhance values of neighboring properties;

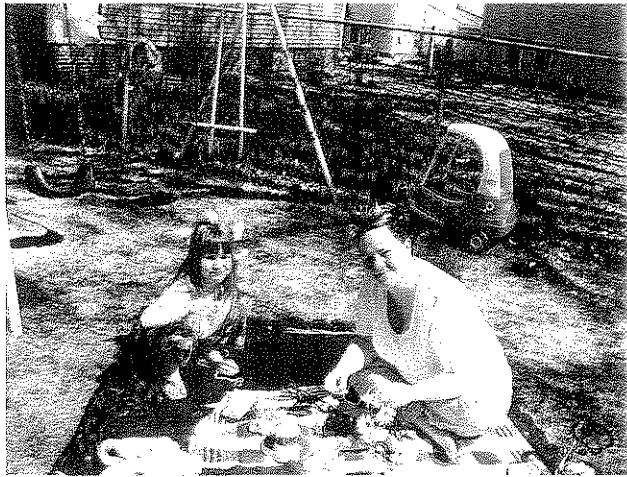
- 2) *Granting the variance is not contrary to the public interest:* The improvement is not contrary to the public interest in that it does not present a threat to public safety, public health or an impingement of privacy, views, access to light or air, or the general interest of neighboring property owners;
- 3) *Denial of the variance would result in unnecessary hardship to the property owner due to the special circumstances of the property:* The City's current R2 zoning setback standards limit the development envelope on the property to a size that makes the parcel virtually undevelopable, and limits reasonable use of the property;
- 4) *Granting the variance would do substantial justice because:* Substantial justice would be created by granting the variance in that a reasonable use would be allowed that doesn't negatively impact neighboring properties, and also fits within the characteristics of the "neighborhood norm"; and,
- 5) *The use must not be contrary to the spirit of the Ordinance:* The use is not contrary to the spirit of the ordinance in that it does not contribute negatively to the public health, safety or general welfare of the community.

Thank you for taking the time to consider my application for a variance and I look forward to discussing this case at the Zoning Board of Adjustment (ZBA) hearing on August 10th. I have enclosed eight copies of this letter (and attached Figure 1) – one for each ZBA member along with an extra copy. Should you need additional information prior to the hearing, please feel free to contact me at (603) 781-0912.

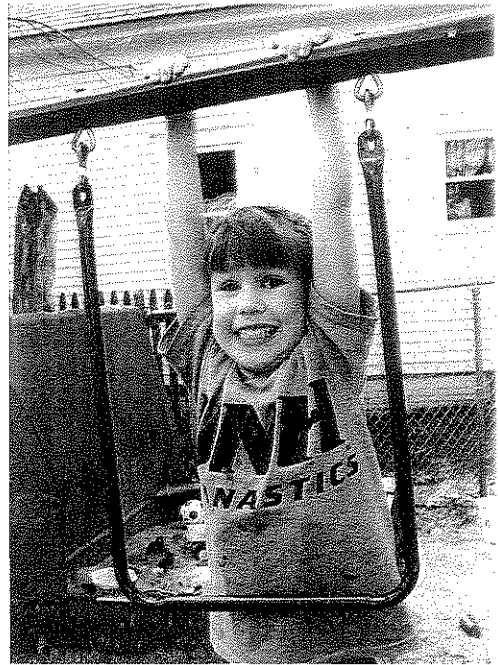
Sincerely,

A handwritten signature in dark ink, appearing to read "D. Mochrie". The signature is fluid and cursive, with the first letter of the last name being a large, stylized 'M'.

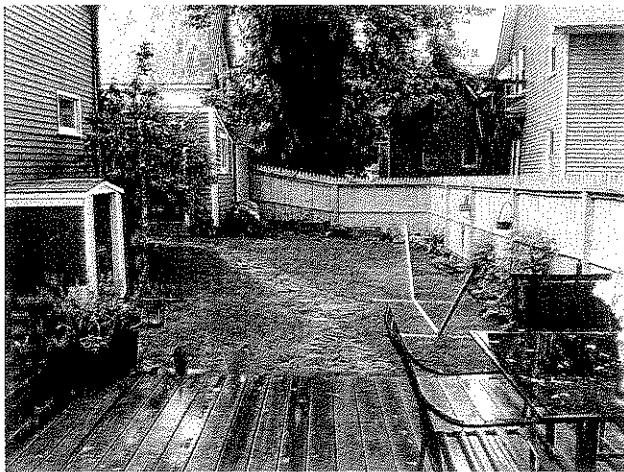
Darren Mochrie



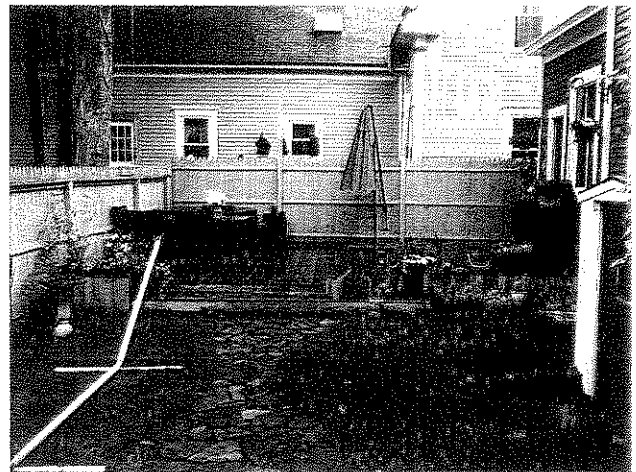
Deck Area Before



Deck Area Before

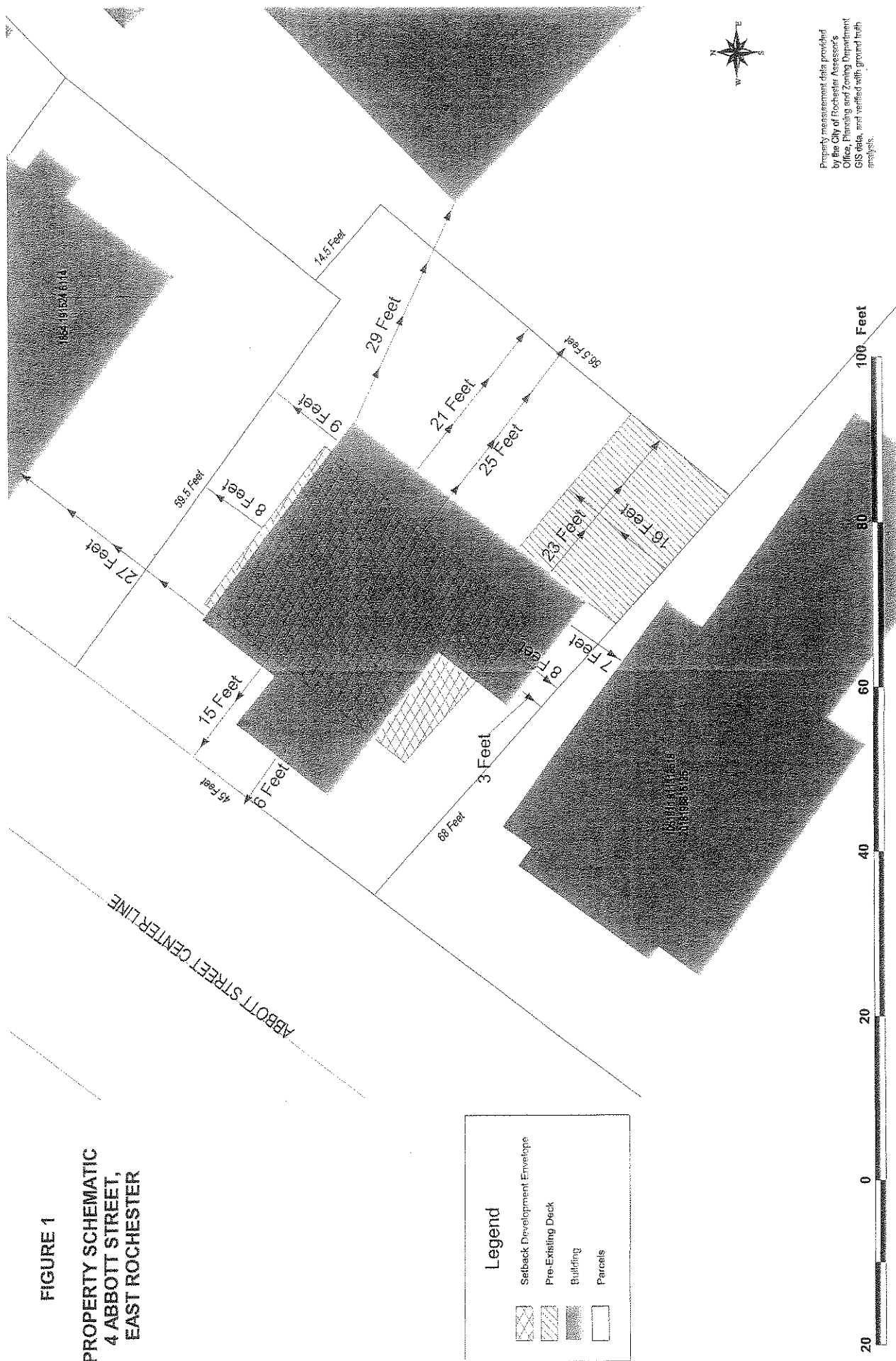


Deck Area After

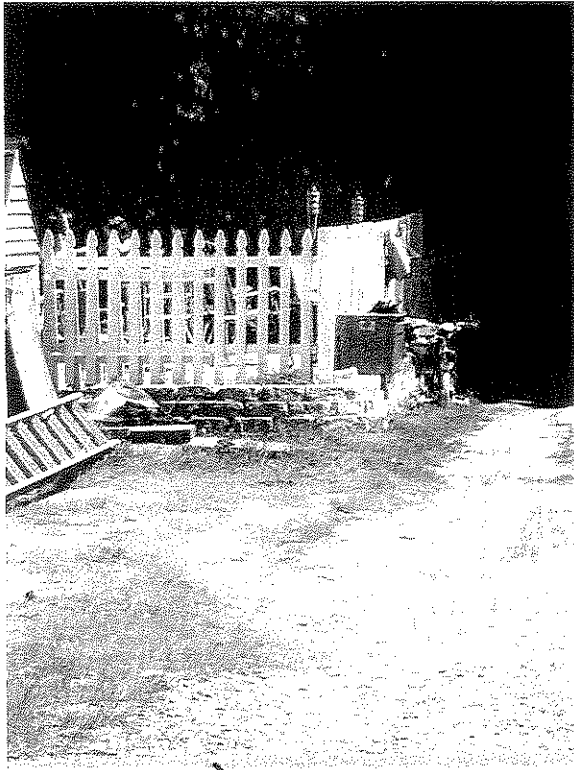


Deck Area After

FIGURE 1
PROPERTY SCHEMATIC
4 ABBOTT STREET,
EAST ROCHESTER



Existing Structures & Decks Outside of Variance Setbacks in the East Rochester Village Area



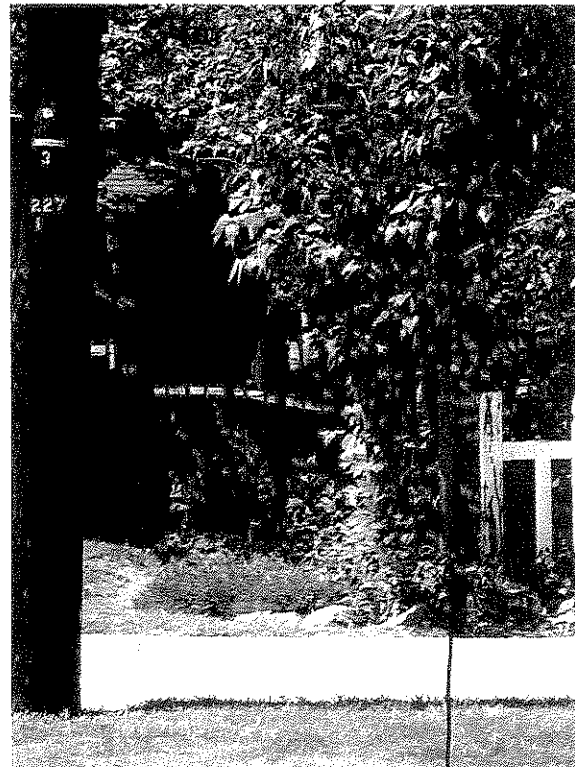
Deck



SHED



Garage



Deck

property line

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0103-0001-0000	Account Number 28036
Prior Parcel ID --	Property Location 4 ABBOTT ST
Property Owner MOCHRIE DARREN J A	Property Use SINGLE FAM
Mailing Address 4 ABBOTT ST	Most Recent Sale Date 2/2/2001
City ROCHESTER	Legal Reference 2273-470
Mailing State NH Zip 03868-8417	Grantor RADFORD K ROBERT & SANDY L
Parcel/Zoning R2	Sale Price \$6,500
	Land Area 0.070 acres

Current Property Assessment

Card 1 Value	Building Value 72,900	Yard Items Value 400	Land Value 34,700	Total Value 108,000
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Building Description

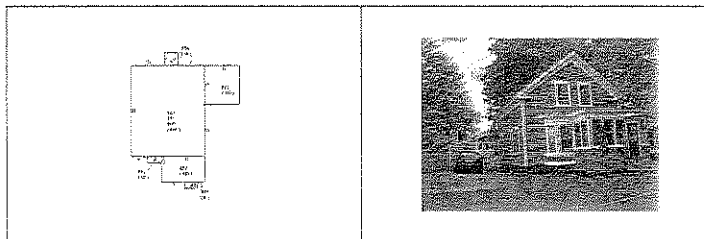
Building Style NEW ENGLAND	Foundation Type BRICK/STONE	Flooring Type AVERAGE
# of Living Units 1	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1882	Roof Structure GABLE	Heating Type FORCED H/A
Building Grade AVERAGE	Roof Cover ASPHALT SH	Heating Fuel OIL
Building Condition Average	Siding CLAPBOARD	Air Conditioning 0%
Finished Area (SF) 1220	Interior Walls AVERAGE	# of Bent Garages 0
Number Rooms 6	# of Bedrooms 3	# of Full Baths 1
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Pictures 0

Legal Description

Narrative Description of Property

This property contains 0.070 acres of land mainly classified as SINGLE FAM with a(n) NEW ENGLAND style building, built about 1882, having CLAPBOARD exterior and ASPHALT SH roof cover, with 1 unit(s), 6 room(s), 3 bedroom(s), 1 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

ABUTTER LIST

City of Rochester, NH
Please Print or Type

Applicant: DARREN MOCHRIE Phone 603 781 0912

Project Address: 4 ABBOTT ST, EAST ROCHESTER, NH 03868

List the names and addresses of all parties below. For abutting lot owners, list each owner whose lot adjoins or is directly across the street or a body of water from the subject property. This form may not be completed more than five (5) days prior to the application deadline.

LEGAL OWNER OF SUBJECT LOT

Map	Lot	Zone	Owner Name	Mailing Address
103	81	R2	DARREN MOCHRIE	4 ABBOTT ST, E. ROCHESTER NH 03868

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
103	82	CHAD TALIAFERRO	8 ABBOTT ST, E. ROCHESTER 03868 ✓
103	79	JOE + DIANE ^{Fontineau} RAMOS	3 ABBOTT ST. E. ROCHESTER 03868 ✓
103	80	ANDREW + ALEXANDRA HALL	2 ABBOTT ST. E. ROCHESTER 03868 ✓
103	99	NEW DAWN LLC	33 MEMORIAL ST. FRANKLIN NH 03235

PROFESSIONALS AND EASEMENT HOLDERS. Engineers, Surveyors, Soil Scientists, and Architects whose seal appears or will appear on the plans (other than any agent submitting this application); holders of conservation, preservation, or agricultural easements; and upstream dam owners/NHDES.

Name of Professional or Easement Holder	Mailing Address

I, the undersigned, acknowledge that it is the responsibility of the applicant or his/her agent to fill out this form and mail certified notices to abutters and other parties in a complete, accurate, and timely manner, in accordance with applicable law. I understand that any error or omission could affect the validity of any approval. The names and address listed on this form were obtained from the City of Rochester Assessing Office computer Patriot Database (located in the Revenue Bldg at 19 Wakefield Street)

on this date: JUL 15, 2011, This is page 1 of 1 pages.

Applicant or Agent: D Mochrie

Staff Verification: 7/22/11 de