



PLANNING & DEVELOPMENT DEPARTMENT

City Hall - Second Floor

31 Wakefield Street

Rochester, New Hampshire 03867-1917

(603) 335-1338 - Fax (603) 335-7585

Web Site: www.rochesternh.net

RE-1001

JAN 22 2013

Planning & Zoning
Community Development
Conservation Commission
Historic District Commission
Arts & Culture Commission

APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2013-05

DATE FILED 1-22-13

ZONING BOARD CLERK C. Ryan

Phone No 332-5200

Name of applicant Kevin Ryan

Address 35 Columbus Ave Suite 106 Rochester, NH 03867

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

Address 35 Columbus Ave Suite 201 Rochester, NH 03867
(If the same as applicant, write "same")

Location 35 Columbus Ave Rochester, NH 03867

Map No. 0120 Lot No. 0378 Zone B1

Description of property Business/office building (Former Lamper Hardware)
Building

Proposed use or existing use affected permit for second pre-existing
sign.

The undersigned hereby requests a variance to the terms of Article 42,
Section 8(c)(3) and asked that said terms be waived to permit two building signs
where one is permitted

If applicable in this case, the undersigned also requests a waiver from the requirement to
provide a certified plot plan, (see attached request sheet) Yes No NA

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 Kevin K. Ryan
(Applicant)

Continue on Page 2

CRITERIA FOR VARIANCE

Case # 14910020

Date: JAN 22 2013

Planning Dept.

A Variance is requested by Kevin Ryan

from Section 42 Subsection 8(c)(3)

of the Zoning Ordinance to permit: 2 building wall signs where one is permitted

at 35 Columbus Ave 0120 Map 0378 Lot B1 Zone

Facts supporting this request:

1) The proposed use would not diminish surrounding property values because:

See attached

2) Granting the variance is not contrary to the public interest because:

See attached

3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property:

See attached

4.) Granting the variance would do substantial justice because:

See Attached

5.) The use is not contrary to the spirit of the ordinance because:

See Attached

Name Kevin H. Ryan Date: 1/22/13

Case# _____

Date _____

Criteria for Variance:

1. **The proposed use would not diminish surrounding property values because:** my location is in a business zone. My two existing wall signs are consistent with the signage of the other businesses in this area. In fact, the business across the street has four wall signs on its building (see photo of Windjammers Restaurant). My signs have been in place for 6 years and have not changed the character of the area nor have they diminished any surrounding property values.
2. **Granting the variance is not contrary to the public interest because:** the two existing wall signs assist the public in finding and accessing an established downtown business that has building entrances on two different streets.
3. **Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property:** The 'one wall sign' ordinance does not adequately address the signage needs of businesses located on street corners or with more than one entrance. The building my business is located in shares these characteristics. My belief is that the two existing wall signs I have had in place for the past six years address the basic signage needs of my location. Having a wall sign by both of the building's entrances used by customers provides needed directional aid for customers looking for my business. Many customers had never been to the Lamper Hardware store, particularly younger customers, and are not familiar with this location. Owing to the special conditions of the building, a fair and substantial relationship does not exist between the ordinance and the minimum signage needs of this particular location. Preparing new customers over the phone on how to find the building, park and find my office suite within the building is a routine business practice. Even with that being done, customers still find it difficult to access the building. The two existing wall signs are needed based on customer feedback over the years.
4. **Granting the variance would do substantial justice because:** my business needs two wall signs owing to the special conditions of the property; the entrances on two different streets used by customers. Granting the variance will afford me the same treatment other Rochester businesses have received which are located on street corners (see attached photos of various Rochester businesses).

Article 42 Section 8(c)(3) allows "one wall sign for lot street frontage of each establishment". My building has lot street frontage on two streets. This leads me to believe two signs are not inappropriate. Substantial justice would further be done by granting the variance given the ambiguity of the ordinance.

5. **The use must not be contrary to the spirit of the ordinance because:** my two existing wall signs are not an eye sore, do not present a distraction to drivers nor have they diminished surrounding property values. The two existing wall signs adhere to the spirit of the ordinance by providing the basic signage needs of a business by advertising its services and providing directional aid to customers seeking to access the business through both of its entrances.

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Name:

Kevin W. Ryan

Date:

1/22/13

Case# _____

Date _____

Narrative Explaining For What You Are Seeking a Variance:

I am seeking a variance to permit my two existing wall signs. My business is located at 35 Columbus Ave (corner of Columbus Ave and Portland Street) in the former Lamper Hardware building. This location is not in the historic district.

The ordinance permits only one wall sign. These signs have been in place for the past six years. The need for the permit came to my attention because the current signs need new panels based on changes to the State Farm logo I am required to make. There would be no change to the size or location of the two existing signs. I would like to keep both signs because removing one of them will hurt my business. The absence of one of the signs will be noticed and the public and customers will conclude I have moved or gone out of business. This is my 11th year in business in Rochester. 6 years ago I was forced to relocate my office on short notice to my current location. It took customers years to adjust to the relocation and the accompanying change of signage.

Two wall signs are needed at my location because of its unique nature. There are two entrances off different streets used by customers and a sign by each entrance provides needed directional aid for customers looking for my business. My office suite is more difficult to find because it is an interior office with no windows on Columbus Ave or Portland Street.

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Rochester, NY

Name:

Kevin W. Ryan

Date:

1/22/13

State Farm - Kevin Ryan

Portland St.

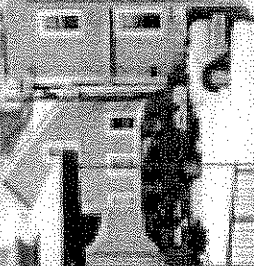
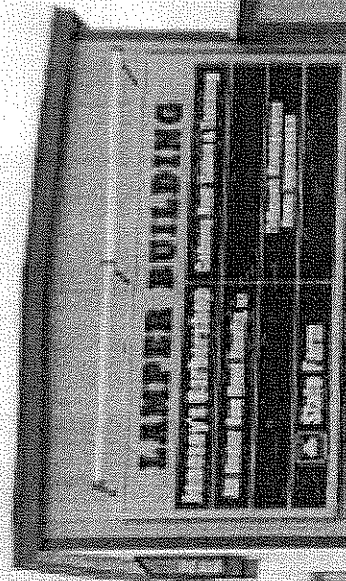
JAN 22 2013



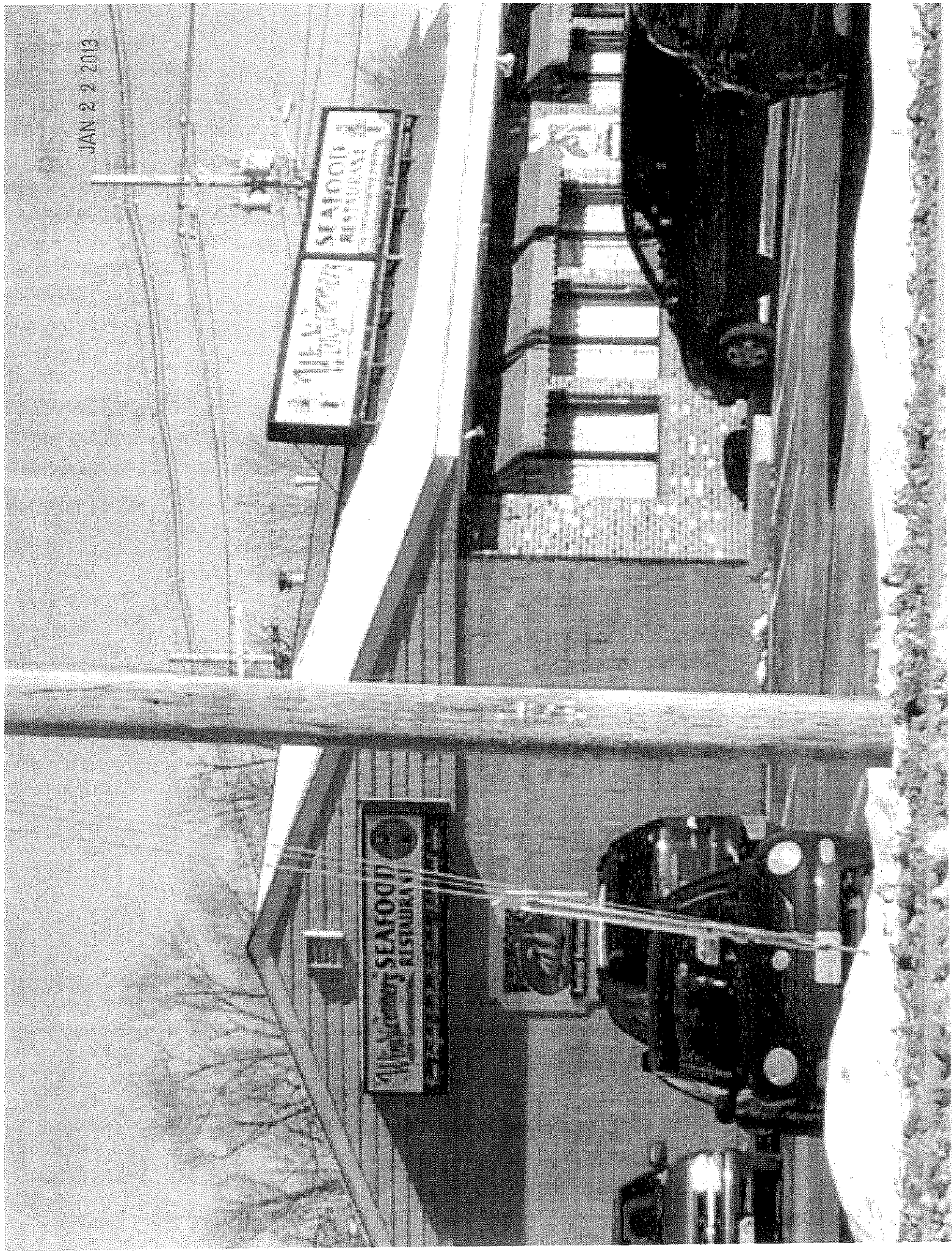
State Farm - Kevin Ryan
Columbus Ave

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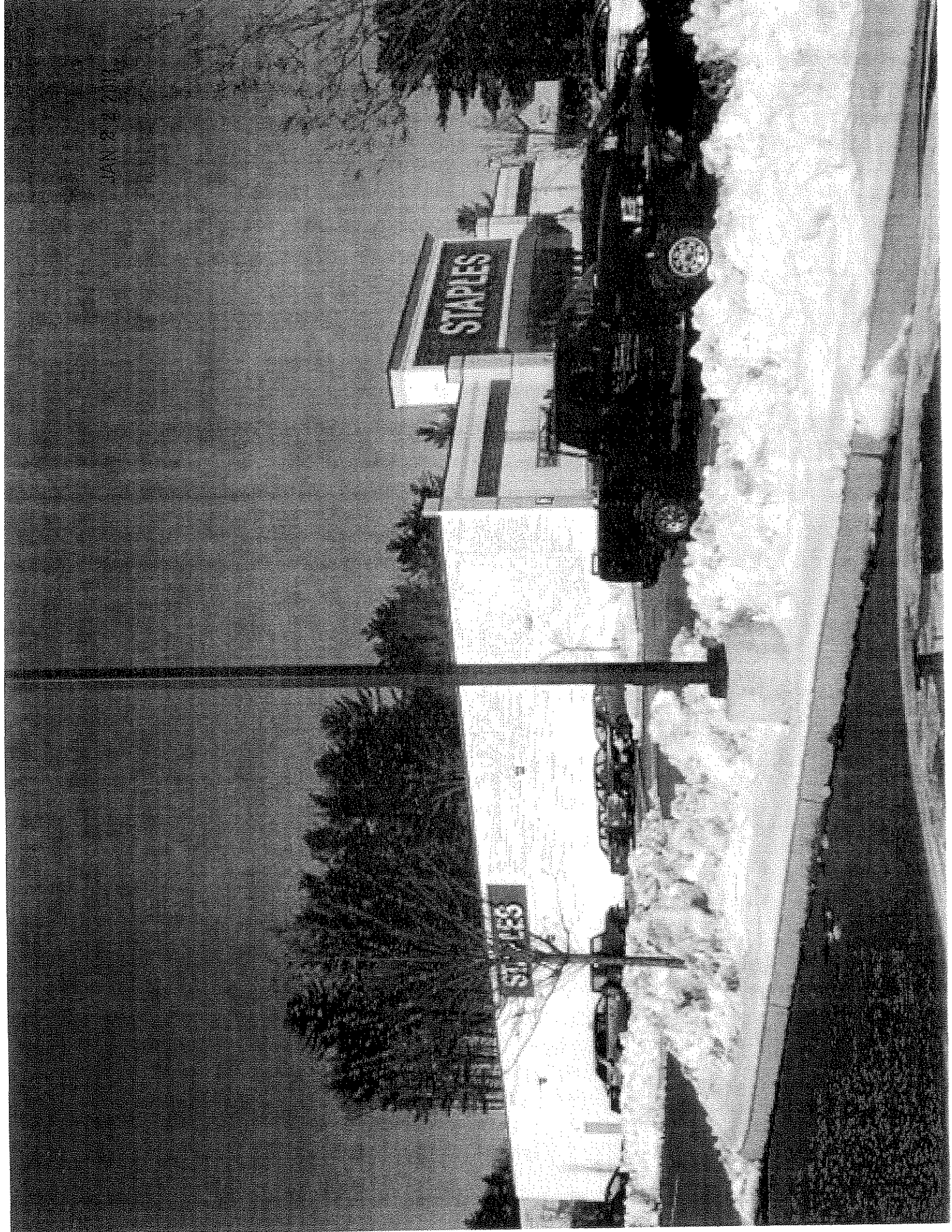
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PHOTOGRAPHY

JAN 22 2013

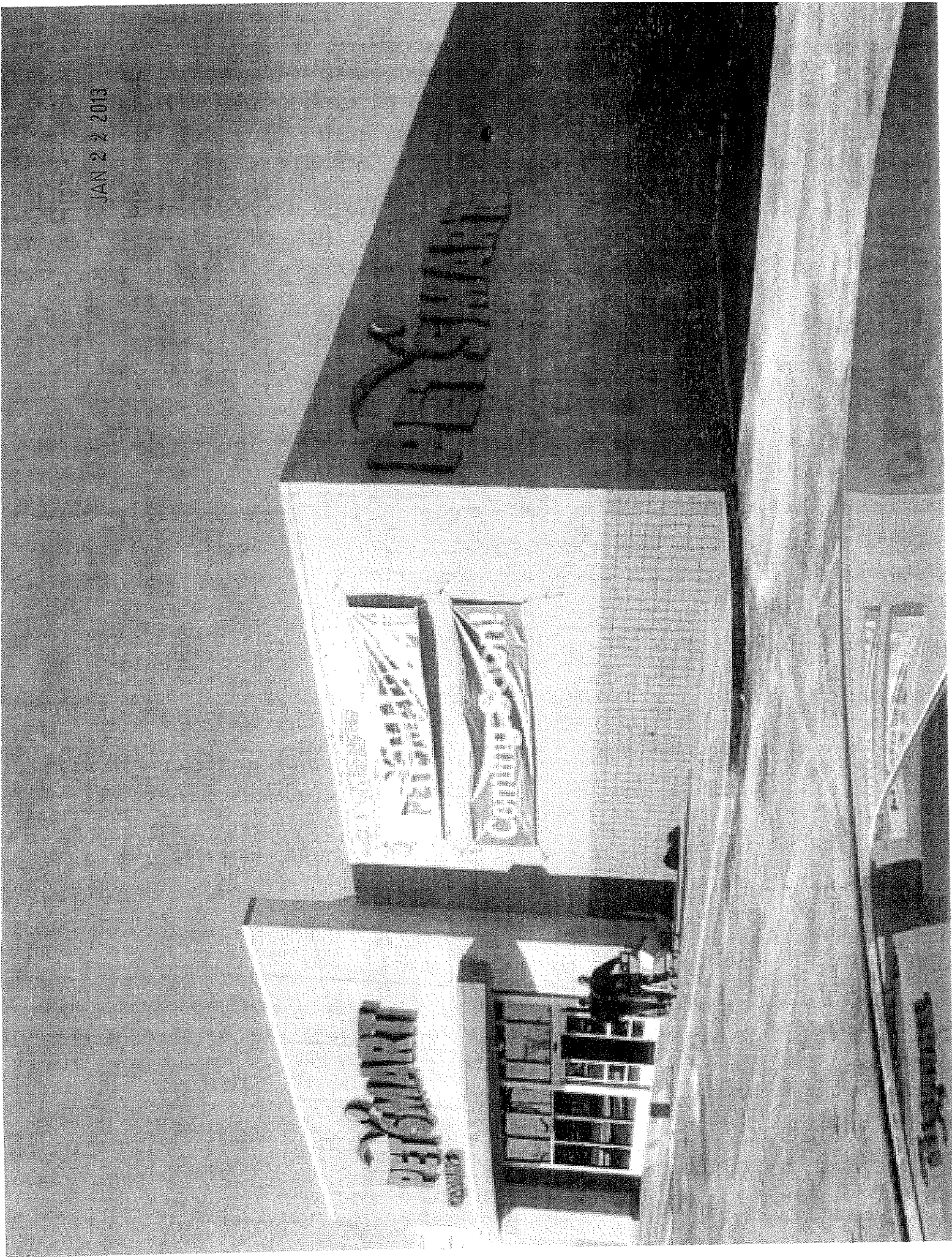




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ZONING BOARD CASE COMMENT SHEET

Case # 2013-05

Department of Planning & Development
Director Comments

None.

Signed Kurt V. DA Date 1/23/13

City Manager Comments

none

Signed Dale W. Fritzel Date JAN 23 2013

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0120-0379-0000	Account Number 27238
Prior Parcel ID --	
Property Owner LAMPER DAVID	Property Location 35 COLUMBUS AVE
	Property Use RETAIL/SVC
Mailing Address 35 COLUMBUS AVE STE 201	Most Recent Sale Date 9/3/1999
	Legal Reference 2140-206
City ROCHESTER	Grantor LAMPER BERNARD
Mailing State NH	Sale Price 164,700
Zip 03607-2740	
Parcel/Zoning B1	Land Area 0.480 acres

Current Property Assessment

Card 1 Value	Building Value 240,300	Yard Items Value 2,800	Land Value 67,200	Total Value 339,400
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Building Description

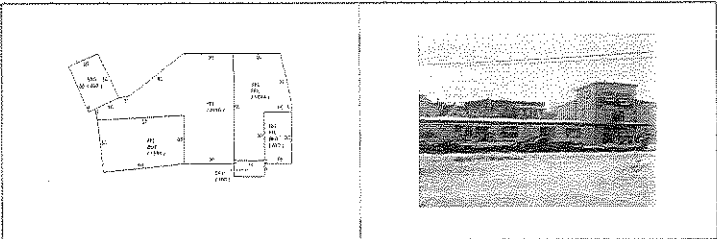
Building Style RETAIL	Foundation Type CONCRETE	Flooring Type AVERAGE
# of Living Units 8	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1900	Roof Structure FLAT	Heating Type FORCED HW
Building Grade FAIR	Roof Cover MEMBRANE	Heating Fuel GAS
Building Condition Good	Siding CORREG STL	Air Conditioning 92%
Finished Area (SF) 7384.64001	Interior Walls DRYWALL	# of Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 3	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 0.480 acres of land mainly classified as RETAIL/SVC with a(n) RETAIL style building, built about 1900 , having CORREG STL exterior and MEMBRANE roof cover, with 8 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 3 half bath(s).

Property Images



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

ABUTTER LISTCity of Rochester, NH
Please Print or TypeApplicant: Kevin Ryan Phone 332-5200Project Address: 35 Columbus Ave Suite 106

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
0120	0378	B1	David Lamber	35 Columbus Ave, Rochester Suite 201

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
0120	0318	NH Northcoast Corp.	PO Box 429 Ossipee NH 03864-0429
0120	0319	Columbus Ave Freight House Inc.	40 Columbus Ave Rochester, NH 03867
0120	0327	State of NH Dept. of Transportation	(no longer a taxable l.t. per Verna)
		Betsy Pickering	PO Box 483 Concord NH 03302-0483
0120	0377	HO Yun Mui	PO Box 976 Rochester, NH 03866
0120	0375	KPRP 5 Central Ave LLC	28 Meadow Ln Rochester, NH 03867
0120	0383	Angela & John Kerekorian	11145 SW 79th Ave Ocala, FL 34476
0120	0382	David Lamber DBA Lamber & Son	55 Rochester Hill Rd. Rochester, NH 03867
0120	0381	David Lamber	35 Columbus Ave Rochester, NH 03867
0120	0380	61 Hansen Street LLC	153 Portland Ave Dover, NH 03820

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. 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 - Assess Pro (located in the Revenue Bldg at 19 Wakefield Street)on this date: 1/18/13, This is page 1 of 2 pages.Applicant or Agent: Kevin W. Ryan

Planning Staff Verification: _____ Date: _____

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			<u>see page 1</u>	

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
<u>0120</u>	<u>0379</u>	<u>61 Hansen Street LLC</u>	<u>153 Portland Ave Dover, NH 03820</u>
<u>0120</u>	<u>0399</u>	<u>Gerard R Gravel Rev Trust</u>	<u>13 Patton St. Rochester, NH 03801</u>
<u>0120</u>	<u>0398</u>	<u>City of Rochester</u>	<u>31 Wakefield St Rochester, NH 03867</u>

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