



Planning & Zoning
Community Development
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: www.rochesternh.net

NOTICE OF PUBLIC HEARING

Dear Abutter:

You are hereby notified of a **Public Hearing** to be held at **7:00 p.m.** on **Wednesday, July 14, 2010** in the City Hall Council Chambers concerning the following:

2010-18 - Application by 103 North Main Street LLC for a variance under Article 42.8 Section (a)(c)(3) of the City's Zoning Ordinance to allow ten (10) wall signs on three (3) sides of the building where only one (1) wall sign is allowed.

Location: 103 North Main Street
Tax Map 121, Lot 364, Business 1 Zone

You are welcome to attend the public hearing and comment on the proposal. You can also submit comments by letter, fax, or email (caroline.lewis@rochesternh.net). The project application is available for review by the public in the Planning Department, or you can view the entire application on the City's website – www.rochesternh.net. Click on *Boards & Commissions*, then *Zoning Board of Adjustment*, then *Zoning Board Projects*. Look under the map and lot number shown above.

Please feel free to contact this department with any questions or if you have any disability requiring special provisions for your participation.

Office Hours are between 8:00 a.m. to 5:00 p.m. Monday through Friday.


Caroline Lewis, Zoning Secretary
cc: file



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>

*paid cash 175.00
mkt.*

APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2010-18

DATE FILED 6/23/10

C. Leves
ZONING BOARD CLERK

Phone No 603 365 1820

Name of applicant 103 North Main, LLC

Address 103 NORTH MAIN ST. ROCHESTER

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

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

Location SAME

Map No. 121 Lot No. 364 Zone B2

Description of property RESTAURANT

Proposed use or existing use affected RESTAURANT

The undersigned hereby requests a variance to the terms of Article _____ Section _____
and asked that said terms be waived to permit ADDITIONAL TEMPORARY, BUT
CONSISTENTLY PRESENT STORAGE ON 3 SIDES OF THE BUILDING.

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 [Signature]
(Applicant)

Date 6/20/10

RECEIVED

JUN 23 2010

Planning Dept.

CRITERION FOR VARIANCE

Case # _____

Date: _____

A Variance is requested by 103 NORTH MAIN, LLC
from Section 42.8 Subsection C3 & F6

of the Zoning Ordinance to permit: ADDITIONAL TEMPORARY, BUT CONSISTENTLY
PRESENT SIGNAGE ON 3 SIDES OF THE BUILDING.

at 103 N. MAIN ST. Map 121 Lot 364 Zone B1

Facts supporting this request:

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

THE SURROUNDING PROPERTY VALUES ARE LARGELY DRIVEN BY THE SUBJECT
PROPERTY AND THE PROPOSED SIGNAGE DOES NOT DETRACT, IN ANY WAY,
FROM THE APPEARANCE OF THE RESTAURANT.

2) Granting the variance is not contrary to the public interest because: THE PUBLIC IS NOT
NEGATIVELY AFFECTED BY AN ATTRACTIVE ARRAY OF TEMPORARY
SIGNAGE DESIGNED TO ATTRACT PEOPLE TO MAIN ST. BUSINESSES AFTER
WORKING HOURS.

3.) Denial of the variance would result in unnecessary hardship to the owner because of the
following special circumstances of the property: NO WINDOWS TO "HIDE" SIGNAGE
AS MANY OTHER BUSINESSES DO - CONTRARY TO THE ZONING ORDINANCE. OUR
SIGN IS HISTORIC IN NATURE AND WOULD HAVE TO BE REPLACED
WITH A CHEAPER MORE MODERN, LARGER SIGN IF THIS VARIANCE

4.) Granting the variance would do substantial justice because: IS NOT GRANTED.
IT MAINTAINS A LEVEL PLAYING FIELD AMONGST MAIN ST.
BUSINESSES.

5.) The use is not contrary to the spirit of the ordinance because: THE ORDINANCE IS POORLY
CRAFTED AND NONSENSICAL. BY ORDINANCE I COULD PLACE A
MASSIVE SIGN ON THE FRONT OF THE BUILDING WITHOUT A
VARIANCE - THIS WOULD NOT HELP
SURROUNDING PROPERTY VALUES.

Name _____

Date: 6/30/10

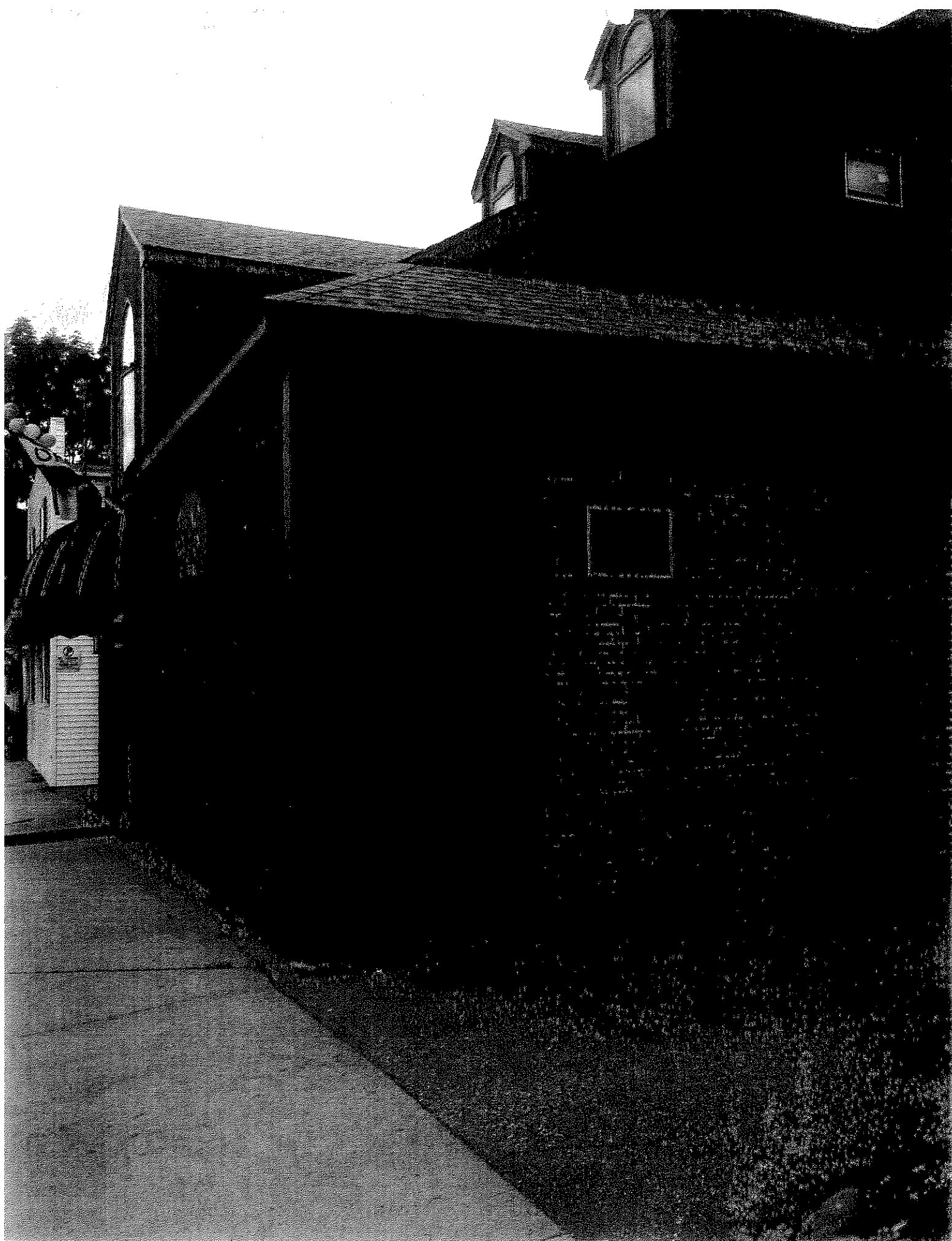
Variance for The 103 Restaurant

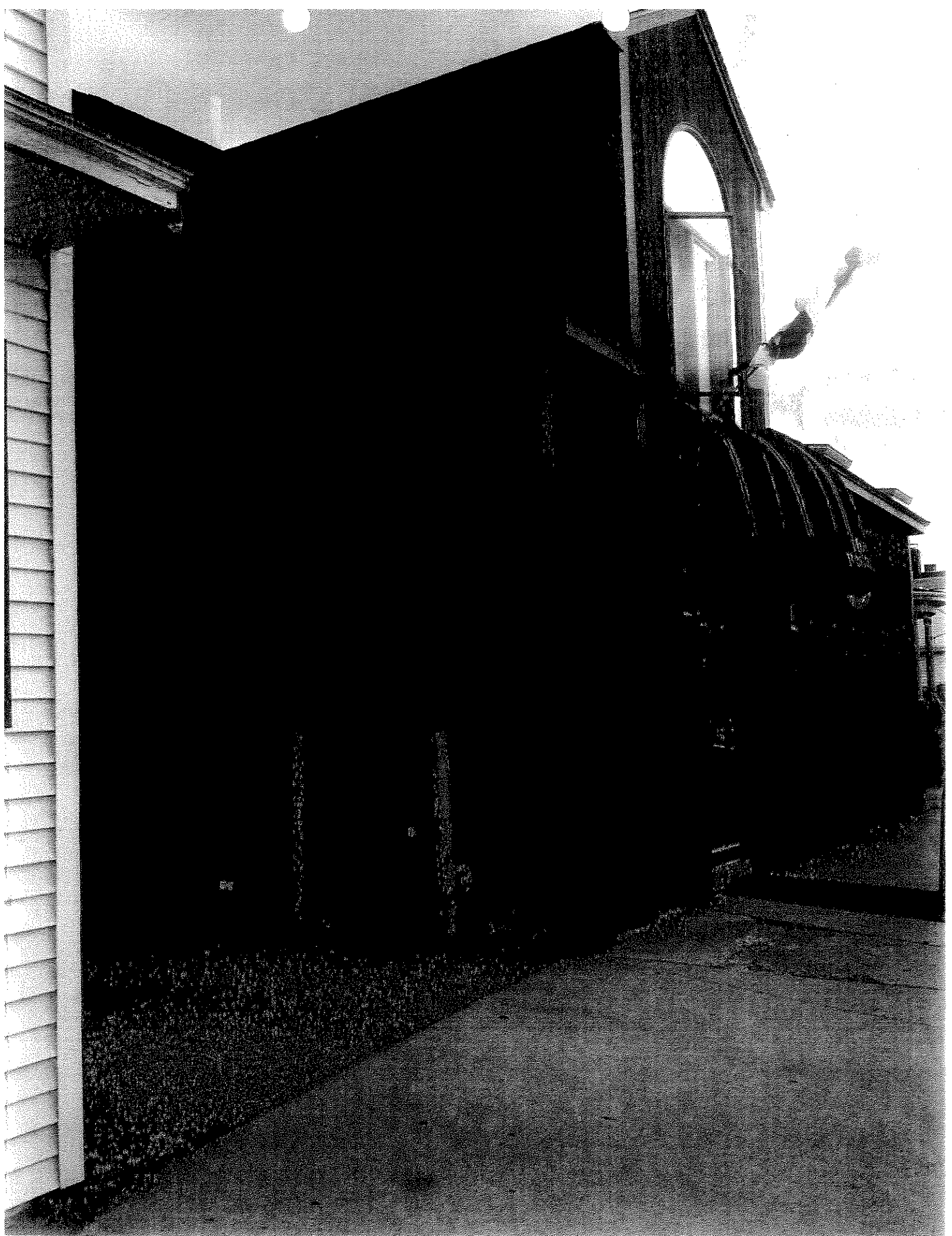
In brief, The 103 Restaurant would prefer to use the existing sign frames (see pictures) to place multiple signs on 3 sides of the building on a semi-regular, but ever changing basis. These signs are temporary and will be swapped out at least weekly in a rotating fashion.

Alternatively, we will be forced to build a massive sign that is within your regulation, roughly 10' x 15' that encompasses all of the temporary signage in one larger, admittedly more garish, sign on the front façade, with a smaller sign hung perpendicular to the building overhanging the sidewalk. This would, probably, force the removal of the awning since one could argue that it is a sign, of sorts, and would also be the logical place to extend the perpendicular sign over the sidewalk.

We realize that this seems like a lot of "signs" but, in fact, if you look at the way other businesses use their windows for signage, many have as many or more than we are proposing. Further, many of these businesses do not have three "sides" – they have only their frontage. Our lack of windows creates a hardship due to the fact that the signage ordinance exempts window signage. Obviously we could add windows to the front of the building, but we do not believe that anyone in the city really wants to see that happen.

What we are doing does not change the architecture or general feel for what this building has always been – it enhances the eclectic nature of The 103 and allows us to be competitive in a marketplace that has become much more so than it was in the heyday of The 103.





SON



The 105
Restaurant



2010-18

Historic commission gives nod to restaurant signs

By JOEY CRESTA
jcresta@fosters.com

ROCHESTER

ROCHESTER — The 103 Restaurant owner Eric Farris was pleasantly surprised with a recent meeting with the Historic District Commission over interchangeable signs along the outer wall of his business.

Farris went before the HDC Wednesday night to gain approval for a new awning and signs on the outside of his restaurant. Based on what he had heard from others, he said he anticipated a war of words with HDC officials.

"Things went remarkably well," he said. "I did not expect them to do what they did. They were incredibly reasonable and accommodating."

The 103 Restaurant is one of the downtown businesses most impacted by the closure of the

North Main Street Bridge for repairs. In an effort to advertise events at the restaurant, Farris started utilizing interchangeable signs announcing trivia nights, drink specials, live music and other enticing offers.

However, the appearance of the signs is subject to the approval of the HDC. Furthermore, businesses are allowed only one sign, and adding more signs requires a variance from the Zoning Board of Adjustment.

Farris is one step closer to having the city's permission for the signs after the HDC meeting. The HDC approved a general color scheme for the signs, with members noting they wanted no fluorescent colors or reflective materials.

"I understand it's all about the

advertising. At the same time, we don't want something that's just going to be (unattractive) out there," said HDC Chairman Nel Sylvain at the meeting. "Personally, I think this will work."

If Farris could not get the signs approved, he said his alternative would be to have one very large sign incorporating all the messages of the smaller signs.

"I think that will look lousy," he said. "It just looks like noise on the building."

That he could have posted a larger, unattractive sign within the zoning rules is a shortcoming in the ordinance, said Chief Planner Michael Behrendt. He said it is something that will be addressed in comprehensive rezoning.

Farris said Thursday he wondered if the presence of a Foster's

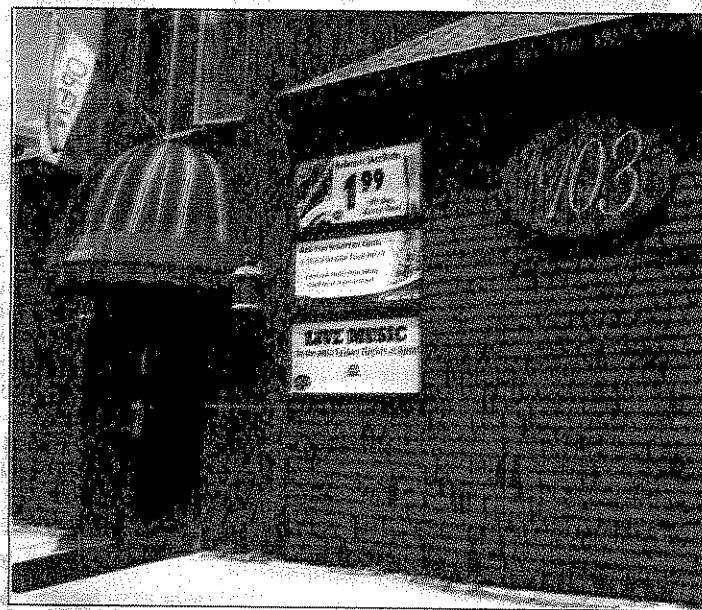
reporter at the meeting made the HDC more accommodating. Behrendt said he did not think that was the case and noted the HDC does its best to work with applicants.

"They go out of their way to work with people," he said. "Occasionally people want to do things that won't be approved. They certainly try to be fair and reasonable."

Behrendt said The 103's existing wooden sign is small but "pleasant and appropriate" to the building. He said he would not have wanted to see it removed.

"I think the HDC recognized his position," he said.

Farris described it as a "walk in the park" to meet with the HDC. He must go before the ZBA on July 14 for approval over the quantity of signs he can post.



Cresta/Democrat photo

INTERCHANGEABLE SIGNS outside The 103 Restaurant in Rochester advertise \$1.99 16-oz. drafts, trivia night and live music. The Historic District Commission recently approved the appearance of the signs.

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0121-0364-0000	Account Number 27310
Prior Parcel ID --	
Property Owner 103 NORTH MAIN LLC	Property Location 103 NO MAIN ST
	Property Use RESTAURANTS
Mailing Address 103 NO MAIN ST	Most Recent Sale Date 11/16/2009
	Legal Reference 3792-827
City ROCHESTER	Grantor CIT SMALL BUSINESS LENDING CORP
Mailing State NH ZIP 03867	Sale Price 200,000
Parcel/Zoning B1	Land Area 0.230 acres

Current Property Assessment

Card 1 Value	Building Value 248,500	Yard Items Value 0	Land Value 95,400	Total Value 343,900
--------------	------------------------	--------------------	-------------------	---------------------

Building Description

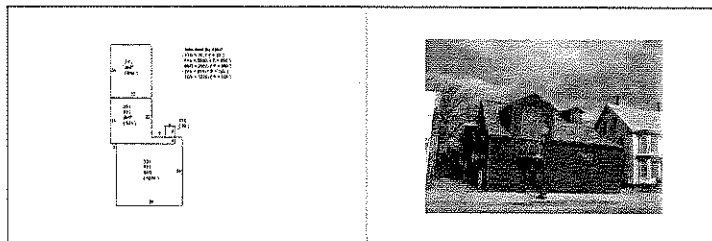
Building Style RESTAURANT	Foundation Type BRICK/STONE	Flooring Type AVERAGE
# of Living Units 1	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1900	Roof Structure GABLE	Heating Type FORCED H/A
Building Grade AVERAGE	Roof Cover ASPHALT SH	Heating Fuel OIL
Building Condition Very Good	Siding CLAPBOARD	Air Conditioning 65%
Finished Area (SF) 4141	Interior Walls AVERAGE	# of Bent Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 2	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 0.230 acres of land mainly classified as RESTAURANTS with a(n) RESTAURANT style building, built about 1900, having CLAPBOARD exterior and ASPHALT SH roof cover, with 1 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 2 half bath(s).

Property images



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

Vongsay, LLC
101 Schanda Dr.
Newmarket, NH 03857

Clayton Reynolds
118 Oak St.
Rochester, NH 03839

Charles and Joseph DeLuccia
14 Nature Ln.
Rochester, NH 03867

Foster R&T Family Realty, LLC
c/o Cathy Hayward
333 Central Ave.
Dover, NH 03820

ZONING BOARD CASE COMMENT SHEET

Case # 2010-18

Department of Planning & Development
Director Comments

What is hardship? Is request reasonable
in context of building location?

Signed Kurt L. At

Date 2/2/10

City Manager Comments

Where is hardship? Is the
outside of the building going to
duplicate the main?

Signed John Sauter

Date 7-8-10



City of Rochester, New Hampshire

DEPARTMENT OF CODE ENFORCEMENT
31 Wakefield Street • Rochester, NH 03867
(603) 332-3508 • Fax (603) 332-8601

Code Office Denial of a Building Permit or Use

Name of Applicant 103 North Main Street, LLC

Location 103 North Main Street

Map 121 Lot 364 Block — Zone B1

Date Denied _____

Your application for a building permit / use has been denied due to a violation of

Article 42 Section 8 Subsection (a)(c)(3) of the Rochester

Zoning Ordinance adopted March 3, 1986, and / or a violation of Article _____

Section _____ Subsection _____ of the ICC Building Code, 2000
edition.

The exact reason for this denial is: REQUESTING 10 SIGNS
WHERE 1 SIGN IS ALLOWED.

Notice: You may make application to the Zoning Board of Adjustment for an
Appeal of an Administrative Decision, a Variance, or a Special Exception.

2-S
Building Inspector

7/6/10
Date

Zoning Board Case # 2010-18