



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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OCT 18 2010

Planning Dept.

*Paul*  
*175* *103*

## APPLICATION FOR SPECIAL EXCEPTION

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2010-29

DATE FILED 10-18-10

*C. L.*  
ZONING BOARD OF FRK

Phone No. 603-332-0923

Name of applicant David P. + Marsha A. Miller

Address 7 Harding St Rochester 03867  
(if same as applicant, write "same")

Owner of Property Concerned Same  
(if same as applicant, write "same")

Address Same  
(if same as applicant, write "same")

Location of property 7 Harding St

Map No. 126 Lot No. 1855 Zone R1

The undersigned hereby requests a special exception as provided in

Article: 42.16 Section: Table 2 of the Zoning Ordinance

701

Description of Property 75' 103' 25'  
(give length of the lot lines) Frontage Sides Rear

Proposed use or existing use affected Locate garage within 4ft  
of the east side Neighbor property line

Signed *D. P. Miller* Date 10-14-10  
(Applicant)

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**Garage Setbacks.** A special exception may be granted to reduce side and/or rear yard setback requirements for garages (only applicable for residential use) in the Agricultural, Residential 1, or Residential 2 Zones, subject to all of the following conditions. (These are in addition to the 5 general criteria for all Special Exceptions):

I attest to the Zoning Board of adjustment that:

(A) The lot was not created by a subdivision that occurred after January 1, 1998: \_\_\_\_\_

True

(B) There is some existing pattern in the area for garage setbacks smaller than those required, as evidenced by: \_\_\_\_\_

True

(C) Locating the garage in conformance with the side and/or rear yard requirements would significantly impact existing vegetation, views from the residence, use of the yard, or site circulation, or is impractical due to lot dimensions or other constraints because: \_\_\_\_\_

True, large and unique tree, use of yard location  
garage still possible because of space

(D) If a new driveway serves the garage, it must be endorsed by the City Engineer, prior to the Public Hearing. *The City Staff will consult the City Engineer prior to the meeting on this criterion.*

use existing drive way

(E) The proposed garage must be set back at least 10 feet from any existing building location on an adjacent lot. **Please provide a sketch plan showing the proposed garage footprint, and its relation to existing structures.**

It is 10 feet from Eastside Neighbor garage

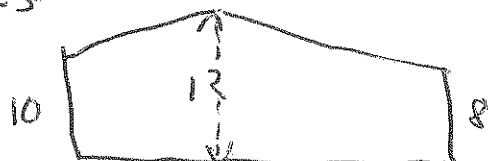
(F) The proposed garage must be designed to blend with the architectural character of the neighborhood (siding, fenestration, roof pitch, etc.) **Elevation drawings must be submitted to the ZBA, and will be reviewed as part of this application.**

It does as 2 similar garage exist on Richardson St

(G) The garage **cannot** exceed 24 feet in either length or width.

(H) The garage walls (from foundation) **cannot** exceed 10 feet in height (the roof may exceed this 10 ft. limit)

walls will be



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(a) General Provisions

- (1) Certain uses, structures, or conditions are designed as Special Exceptions (E) in this ordinance. Upon application, the Board of Adjustment may, subject to the appropriate conditions and safeguards, grant a permit for these special exceptions and no others.
- (2) Special Exceptions, for which conformance to additional standards is required, may be permitted in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Section 42.23, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.
- (2) The Board of Adjustment may require that a site plan for development for a proposed Special exception be submitted showing the location of all buildings, parking areas, traffic access, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special exception is in harmony with the intent of this ordinance.

(b) Considerations Governing Granting Special Exceptions: In acting upon an application for a special exception, the Board of Adjustment shall take into consideration whether:

- (1) The specific site is an appropriate location for the proposed use or structure  
YES ☒ NO ☐ Reasoning: undersized lot dictates it be located facing Harding St at the end of the existing drive way
- (2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood  
YES ☐ NO ☒ Reasoning:
- (3) There will be undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off street parking  
YES ☐ NO ☒ Reasoning:
- (4) Adequate and appropriate facilities and utilities will be provided to insure the Proper operation of the proposed use or structure  
YES ☒ NO ☐ Reasoning:
- (5) The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan  
YES ☒ NO ☐ Reasoning:

**Please check Section 42.23 (c) of the Rochester Zoning Ordinance for any additional specific conditions that apply to your Special Exception request.**

7 Harding St

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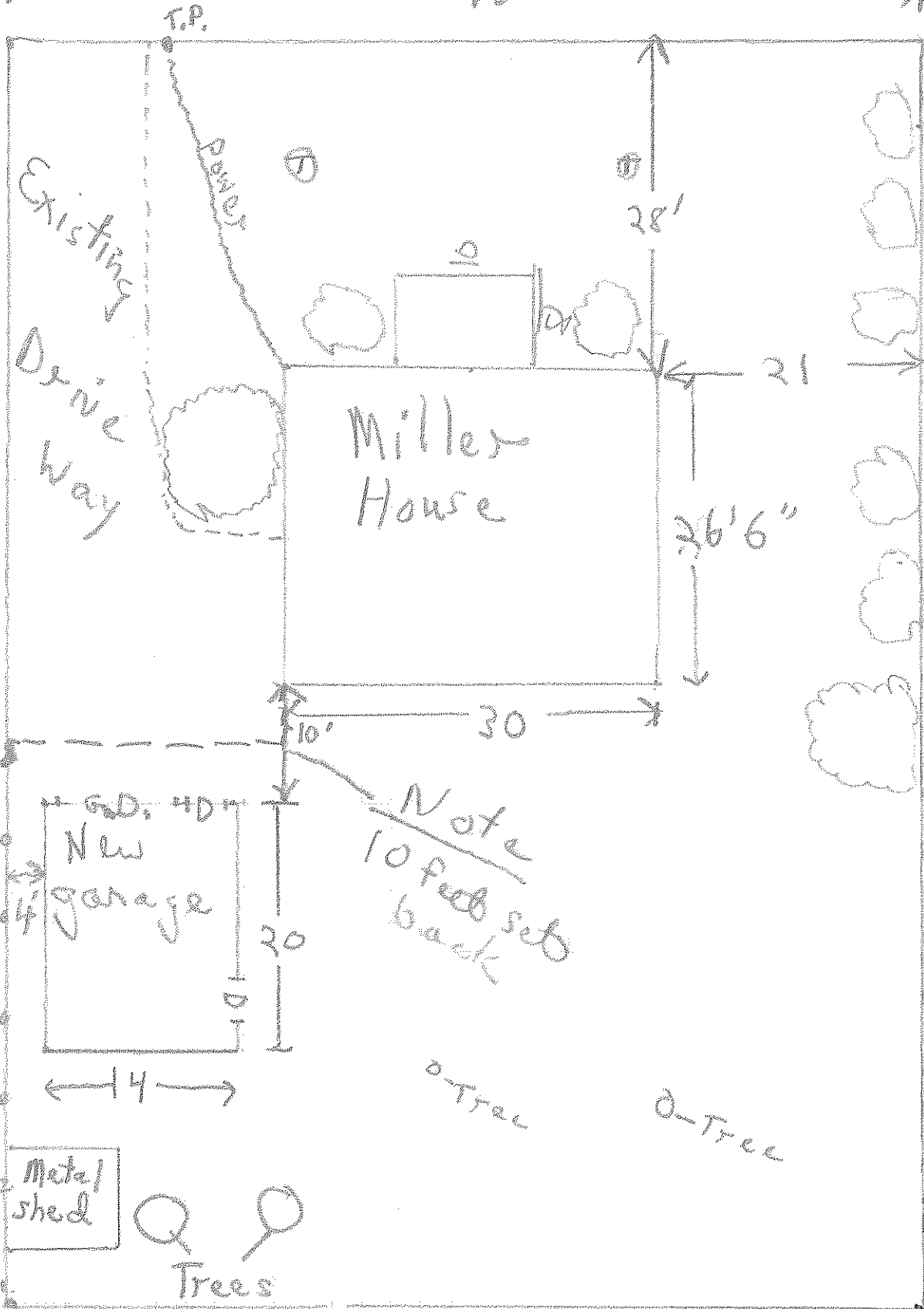
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Scale: 12' to the inch

75'

Jeffrey & Elisa Norcross  
0126-0086



Mooskian 0126-0084

103'  
Hot Line  
West

North ↓ Barrett  
0126-0091

Brush  
0126-0092

online

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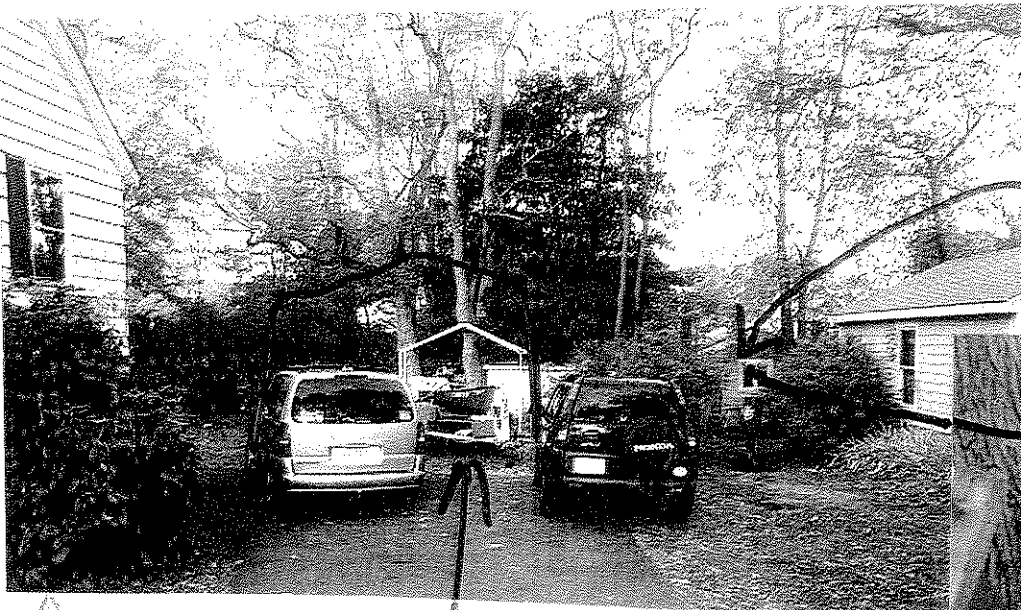
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10/18/10

David P. and Marsha A. Miller  
7 Harding St.  
Request for Special Exception:

Because our 1950 house is on a very small lot (103deep x75wide) it would be very difficult to follow the existing zoning code when it come to building a new garage on the property. Thus we request a special exception to locate the garage within four feet of the east lot line so we can use the existing driveway to enter the new garage. The existing driveway sits on the edge of our lot line and has since 1950. In this old neighborhood, there are numerous examples of where the house and / or garage are located on or close to their lot line. The property directly behind my property is one such example. ( see photos) the same is true of the garage on the lot directly across the street.





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Handwritten notes in cursive script, mostly illegible due to fading. Some words like "house" and "road" are partially visible.









Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0126-0085-0000	Account Number 31562
Prior Parcel ID --	
Property Owner MILLER DAVID P & MARSHAA FAMILY TRUST	Property Location 7 HARDING ST Property Use SINGLE FAM
Mailing Address 7 HARDING ST	Most Recent Sale Date 3/11/2005
	Legal Reference 3154-566
City ROCHESTER	Grantor MILLER DAVID P & MARSHAA,
Mailing State NH Zip 03867-3722	Sale Price 2,667
ParcelZoning R1	Land Area 0.180 acres

Current Property Assessment

Card 1 Value	Building Value 66,700	Yard Items Value 300	Land Value 52,600	Total Value 141,600
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Building Description

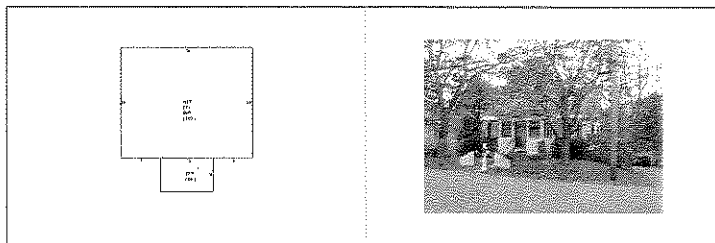
Building Style CAPE	Foundation Type CONC BLOCK	Flooring Type AVERAGE
# of Living Units 1	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1951	Roof Structure GABLE	Heating Type FORCED H/A
Building Grade AVERAGE	Roof Cover ASPHALT SH	Heating Fuel OIL
Building Condition Avg-Good	Siding SHAKES	Air Conditioning 0%
Finished Area (SF) 1170	Interior Walls AVERAGE	# of Basement Garages 1
Number Rooms 6	# of Bedrooms 2	# of Full Baths 1
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 1

Legal Description

Narrative Description of Property

This property contains 0.180 acres of land mainly classified as SINGLE FAM with a(n) CAPE style building, built about 1951, having SHAKES exterior and ASPHALT SH roof cover, with 1 unit(s), 6 room(s), 2 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.

**City of Rochester, NH**  
Please Print or Type

Applicant: David P + Marsha A Miller Phone 603-332-0925  
Project Address: 7 Harding St Rochester 03867

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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
126	85	R1	David P + Marsha A Miller <i>Family Trust</i>	7 Harding Rochester 03867

**ABUTTING LOT OWNERS**

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
0126	84	Susan M. Mooskian	Box 1837 Seabrook NH 03874
0126	86	Jeffrey + Elissa Norcross	5 Harding Rochester 03867
0126	92	Maria R Bruch	16 Richardson St Rochester 03867
0126	91	Roland + DAWN E Barratt	10 Richardson St Rochester 03867
0126	79	Bernard + Maxine Bergeron	8 Harding St Rochester 03867

*paid 10-20-10 5 + 3.24 = 8.24*

**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

on this date: 10-15-10, This is page 1 of 1 pages.

Applicant or Agent: 