

**PLANNING & DEVELOPMENT DEPARTMENT**

**City Hall - Second Floor**

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

**ZONING BOARD OF ADJUSTMENT  
NOTICE OF DECISION  
Case No 2012-35**

December 13, 2012

2012-35 Application by Kristina Wentworth for variances under the City's Zoning Ordinance:

Article 42.14 Table 1 (B)(9) to allow a restaurant in a Residential 1 Zone

Article 42.9 Section (b)(6), (e)(6) and (e)(7) to allow 35 parking spaces where 41 are required, and parking in street side setback to within 10 feet of property line, and to permit a driveway within 50 feet of an intersection

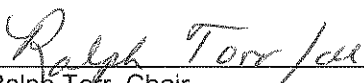
Article 42.16 Table 2 to allow rear and street side setback of 3 feet where 25 feet rear and 12 feet street side are required

**Location:** 207 South Main Street  
Map 126 Lots 87-88-89 Residential 1 Zone

**The Board only voted on the use variance**

The above use variance was **DENIED**, at the Zoning Board of Adjustment's December 12, 2012 meeting, by a vote of at least three members of the Zoning Board of Adjustment for the following reasons:

- The variance is contrary to the public interest because it will change the character of the district.
- The spirit of the ordinance is not observed because it will change the character of the district
- If denied, the benefit to the community as a whole outweighs any disadvantage or harm to this individual applicant..
- The value of surrounding properties will be diminished because it will generate levels of noise, light, activity or traffic that are significantly different from that which currently exists.

  
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Ralph Toff, Chair  
Rochester Board of Adjustment

**It is the applicant's responsibility to obtain any applicable permits from local, state, and federal agencies. Contact the City of Rochester Code Enforcement Department at 332-3508 to apply for any necessary permits and certificates. Any work completed within the thirty (30) day appeal period, explained below, is at your risk**

**Note:** Any person affected has a right to appeal this decision. A request for a rehearing is the first step of an appeal. The request must be submitted to the Planning Department within **thirty (30) days** (calendar days starting the day after the decision is made). If a rehearing is not granted, the next step is to appeal to Superior Court within thirty (30) days. If a rehearing IS granted, it is the responsibility of the original applicant to present the case to the Zoning Board, with the same obligations and following the same procedure used when the case was first heard

cc: Building Safety Department  
Assessing Department  
File