



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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Planning Dept.

APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. _____

DATE FILED _____

ZONING BOARD CLERK

Phone No 332-7777

Name of applicant Kristina A. Wentworth

Address 207 South Main Street, Rochester, NH 03867

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

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

Location 207 South Main Street, Rochester, NH 03867

Map No. 126 Lot No. 87, 88, & 89 Zone Residence-1

Description of property two (2) existing single-family dwellings, and a commercial use (florist)

Proposed use or existing use affected Proposed 3,600 sq. ft. restaurant with drive thru
and associated parking.

The undersigned hereby requests a variance to the terms of Article (1) 42.9 (2) 42.14 (3) 42.16 Section (b) (7) & (c) (6) Table 1 (B) (9) Dimensional Table
& front & street side

and asked that said terms be waived to permit (1) 35 parking spaces where 41 are required, parking in front and side setbacks to within 5' of property line. (2) allow restaurant Use in Residential 1 Zone, (3) allow front and side setbacks reduced to 3' where 25' front and 12' side are required.

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 Kristina Wentworth (Applicant) Date 11/21/2012

CRITERIA FOR VARIANCE

Case # _____

Date: 11/21/12

A Variance is requested by Kristina A. Wentworth

from Section Article 42.9 Section (b)(7), Section (c)(6), Article 42.14, and Article 42.16
Subsection _____

of the Zoning Ordinance to permit: Proposed 3,600 sq. ft. restaurant and drive thru with
associated parking

at 207 South Main Street Map 126 Lot 87, 88, 89 Zone R-1

Facts supporting this request:

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

SEE ATTACHED

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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

Kristina A. Wentworth

Date:

11/20/2012

VARIANCE REQUIREMENTS:

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

The proposed commercial use is compatible to the surrounding uses and would increase property values by removing well-aged structures and replacing them with new construction.

2. Granting the variance would not be contrary to the public interest because:

The applicant seeks a variance to allow the construction of 3,600 square foot restaurant building with drive thru and associated parking in the R-1 Zone.

The proposed development is similar in intensity to the existing use.

The public interest is affected if the proposed use would constitute a fundamental change in the neighborhood or if there would be a substantial impact on health and safety. The proposed variance will allow development of this commercial project with similar amounts and intensity of land use. Granting this variance will not constitute a fundamental change in the neighborhood, but would allow development at a density similar to that already exists. An existing commercial use is ongoing on this property. A restaurant would not cause a substantial impact on health and safety. City utilities are adequate to provide service for the proposed commercial building in this request.

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

The three parcels are located in the R-1 Zone. The current nonconforming use has an equally intensive use as what is proposed for this site. The parcel has substantial frontage on South Main Street, and is uniquely geometrically suited for the proposed restaurant building and parking.

No fair and substantial relationship exists between the general public purposes of the ordinance provisions and the specific application of that provision to the property because:

The general purpose of the ordinance is to limit the intensity of development of land. However, this property is an existing nonconforming use. The proposed use will be less nonconforming.

The proposed use is a reasonable one because:

The proposed use will be a benefit to what exists in the neighborhood. The proposed use is consistent with other properties on South Main Street, and will have similar land use area of those other projects. City utilities are adequate to provide service for the number of units proposed in this request.

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VARIANCE REQUIREMENTS (cont'd)

4. Granting the variance would do substantial justice because:

Substantial justice is done if the benefit to the applicant exceeds any detriment to the general public. The proposed use is similar in intensity to the existing use. The existing use has existed for many years without any detrimental impact on abutting properties or on the neighborhood. This project will not have any detrimental impact on the neighborhood or on the City in general.

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

The spirit of the ordinance is to allow nonconforming uses to continue. The proposed intensity of use will be similar to existing use. City utilities are adequate to provide service for number of units proposed in this request.

TRITECH

ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820

TELEPHONE 603.742.8107
FACSIMILE 603.742.3830

November 21, 2012

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

Subject: Application for Variance - ZBA
Kristina A. Wentworth
Tax Map 126 Lots 87, 88, & 89
Rochester, New Hampshire
Job No. 12145

Gentlemen:

Enclosed please find our Application for Variance for Kristina A. Wentworth.

Variance Narrative:

We are requesting variances to allow a restaurant with drive thru and associated parking to be allowed on three (3) existing lots. We plan to merge the three lots into one lot. The lots presently are non-conforming in size and building setbacks. There is a commercial florist on Tax Map 126 Lot 88. Presently the structure does not meet front or street side setbacks. The proposed restaurant building would be 3' off the front and side property lines, which is greater than the existing nonconforming commercial building. The other two lots each have a single-family dwelling and associated outbuildings. The plan is to remove all existing structures to facilitate new construction.

The specific variance requests are as follows:

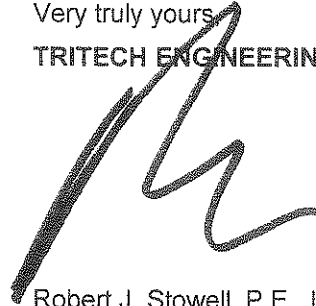
- 1.a. Variance from Article 42.9 Section (b)(7). To allow 35 parking spaces where 41 are required. The proposed restaurant will have a drive thru service. This will diminish needed on-site parking, and provide 7 spaces for cars to stack while in the drive thru lane.
- b. Variance from Article 42.9 Section (c)(6) to allow parking/pavement within 5' of the property line where 25 is required in front and 12 is required on the side. Currently the existing pavement is closer than 3' and we will be making a nonconforming use less nonconforming.
2. Variance from Article 42.14 Permitted Use - Currently Tax Map 126 Lot 88 is a commercial florist and is a nonconforming use. We are requesting a variance to allow a restaurant use.
3. Variance from Article 42.16 Dimensional Regulations - Table 2. Front and side street setbacks to allow a 3' front and side street setback where a 25' front and 12' side street setback are required. Currently the existing commercial building is less than 3' front and 3' side, and we would request a variance to allow making a nonconforming setback less nonconforming.

Zoning Board of Adjustment
November 21, 2012
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Please advise should you have any questions.

Very truly yours,
TRITECH ENGINEERING CORP.

A handwritten signature in dark ink, appearing to be 'RJS', written over the company name.

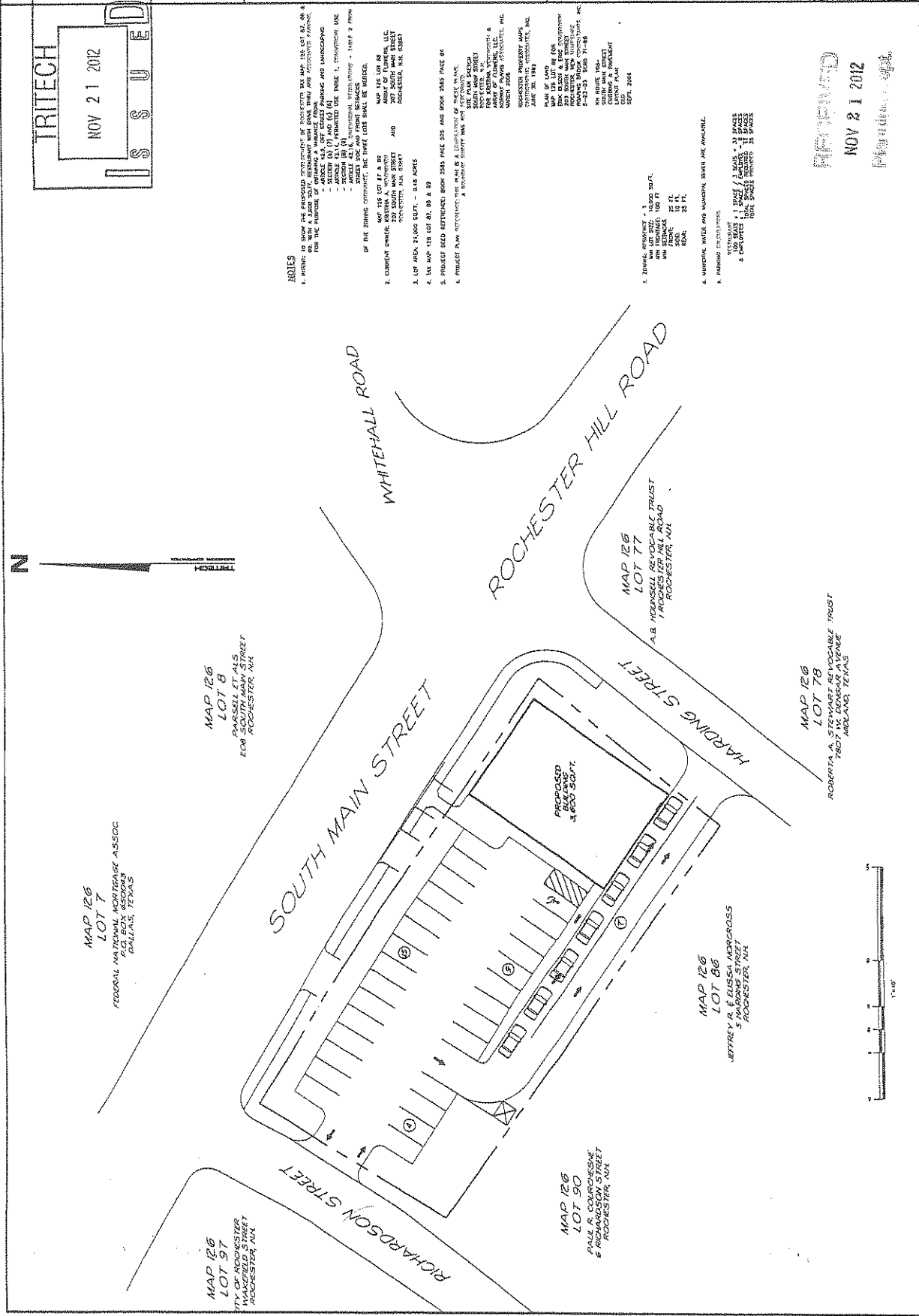
Robert J. Stowell, P.E., L.L.S.
President

RJS/nas

Enclosures

\\12145_ZBA_SubmissionLtr.doc

V-1 SHEET NO.		TAX MAP 126 LOTS 87, 88 & 89 207 SOUTH MAIN STREET ROCHESTER, NEW HAMPSHIRE NOVEMBER 21, 2012 JOB NO. 126.5 SCALE: 1" = 40'	
VARIANCE APPLICATION PLAN		REVISIONS DATE: _____ DESCRIPTION: _____	
TRITECH CORPORATION 1200 CENTRAL AVENUE SUITE 200 ROCHESTER, NEW HAMPSHIRE 03075 FAX: 603.742.9707 TEL: 603.742.9700		TRITECH NOV 21 2012 ISSUED	



- NOTES**
1. INTEND TO SHOW THE PROPOSED DEVELOPMENT OF THE PROPOSED TAX MAP 126 LOT 87, 88 & 89 WITH A 2,000 SQ. FT. BUILDING AND 100 PARKING SPACES.
 2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE FOLLOWING:
 - CONFORMANCE WITH THE ZONING ORDINANCE.
 - ADHERENCE TO THE CITY OF ROCHESTER PLANNING AND LANDSCAPING.
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 4. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE FOLLOWING:
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 5. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE FOLLOWING:
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 6. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE FOLLOWING:
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SHEET NO.

A1

AERIAL OVER LAY PLAN
TAX MAP 126
LOTS 87, 88, AND 89
SOUTH MAIN STREET
ROCHESTER, NEW HAMPSHIRE
JOB NO. 1246

NOVEMBER 21, 2012
SCALE: 1" = 30'

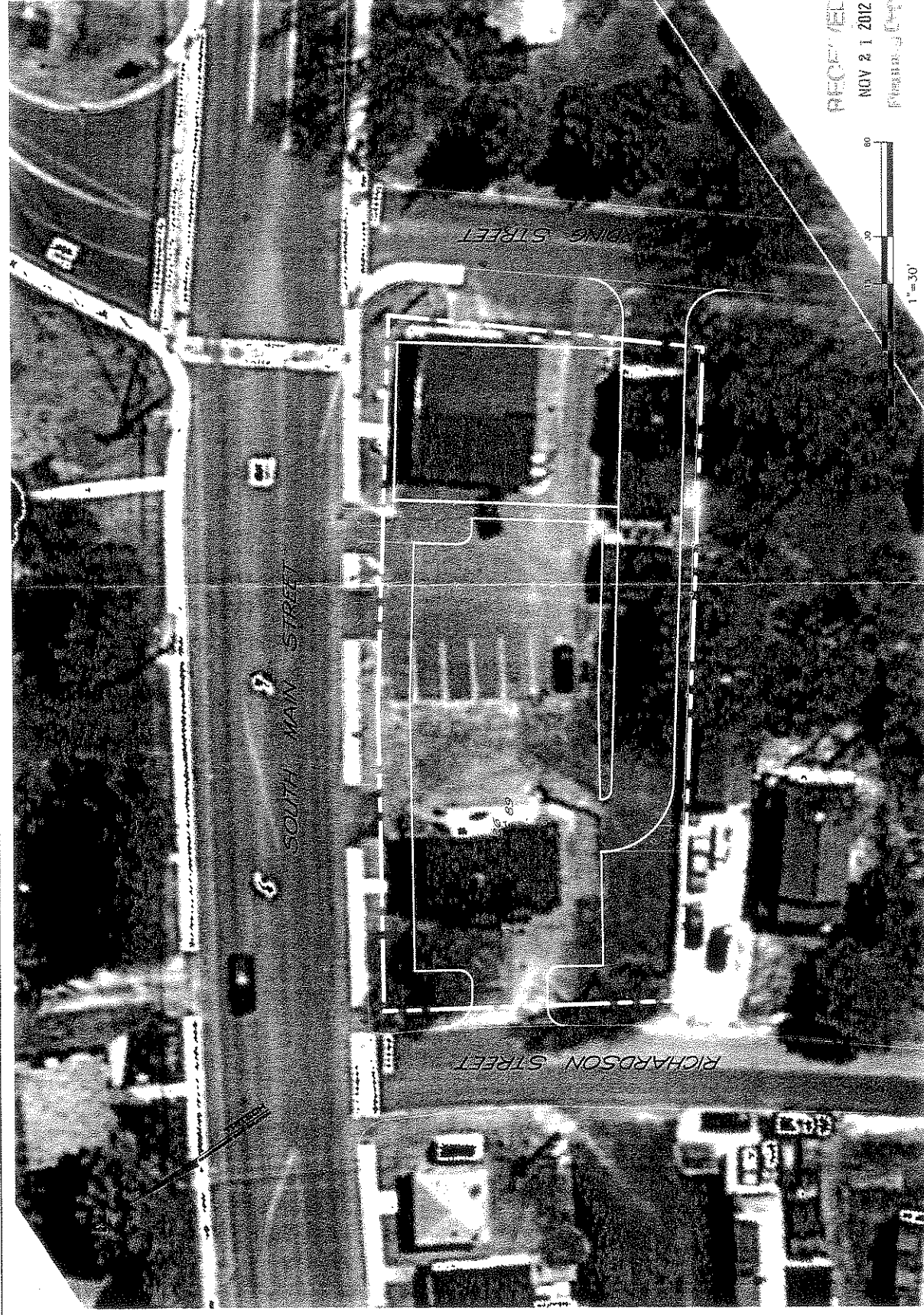
REVISIONS	
DATE	
DESCRIPTION	

TRITECH
ENGINEERING CORPORATION

200 CENTRAL AVENUE
ROCHESTER, NEW HAMPSHIRE 03060
TEL: 603.333.7448 FAX: 603.333.7449

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1"=30'



ABUTTER LIST

City of Rochester, NH

Please Print or Type

Applicant: Kristina A. Wentworth Phone _____

Project Address: 207 South Main Street, Rochester NH

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.

NOV 21 2012

LEGAL OWNER OF SUBJECT LOT

Map	Lot	Zone	Owner Name	Mailing Address
			SEE ATTACHED	

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
		SEE ATTACHED	

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
	SEE ATTACHED

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: 11/21/12, This is page 1 of 1 pages.

Applicant or Agent: , President

Planning Staff Verification: _____ Date: _____

Abutters List
Zoning Board of Adjustment
Kristina A. Wentworth
Tax Map 126, Lots 87, 88, & 89
207 South Main Street
Rochester, New Hampshire
Job No. 12145

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Abutters:

Map 126, Lot 6	Nicholas J. & Brooke Alexander 204 South Main Street Rochester, NH 03867
Map 126, Lot 7	Federal National Mortgage Assoc. PO Box 650043 Dallas, TX 75265-0043
Map 126, Lot 8	Pamela A. Parsell-Tobin, Jerald V. Parsell Sr. & Mary J. Parsell 208 South Main Street Rochester, NH 03867
Map 126, Lot 77	A. B. Hounsell Revocable Trust & Wayne Mogel 1 Rochester Hill Road Rochester, NH 03867
Map 126, Lot 78	Roberta A. Stewart Revocable Trust C/o Roberta A. Stewart 7807 W. Dengar Avenue Midland TX 79705-6104
Map 126, Lot 86	Jeffrey R. & Elissa M. Norcross 5 Harding Street Rochester, NH 03867
Map 126, Lot 90	Paul R. Courchesne 6 Richardson Street Rochester, NH 03867
Map 126, Lot 97	City of Rochester 31 Wakefield Street Rochester, NH 03867
Owner/Applicant:	
Map 126, Lot 87	Kristina A. Wentworth
Map 126, Lot 89	207 South Main Street Rochester, NH 03867
Map 126, Lot 88	Array of Flowers LLC 207 South Main Street Rochester, NH 03867
Agent:	
	Tritech Engineering Corporation 755 Central Avenue Dover, NH 03820