



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, June 9, 2010** in the City Hall Council Chambers concerning the following:

2010-11 - Application by Animal Health Center/Dr. Cynthia Hoisington, for a variance under Article 42.14, Table (c)(5) of the City's Zoning Ordinance to allow a veterinary clinic in the R 2 Zone.

Location: 54 Lowell Street
Tax Map 128, Lot 73, Residential 2

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, DEVELOPMENT AND ZONING DEPARTMENT

City Hall – Second Floor
31 Wakefield Street
ROCHESTER, NH 03867-1917
(603) 335-1338

RECEIVED
MAY 18 2010
Planning

City Planning
Community Development
Economic Development
Zoning Development

APPLICATION FOR VARIANCE
TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE
CASE NO. _____
DATE FILED _____

Phone No. (603) 332-3358

ZONING BOARD CLERK

Name of Applicant Animal Health Center/Dr. Cynthia Hoisington

Address 66 Rochester Hill Rd., Rochester, NH 03867

Owner of property concerned Robert E. Cadorette Revocable Trust
(if same as applicant write "same")

Address 111 Mariner Lane; Rotunda West, FL 33947
(if same as applicant write "same")

Location of property 54 Lowell Street (near the intersection of Lowell St. & Hancock St.)

Map No. 128 Lot No. 73 Zone R-2

Description of property 161.5' 176.9' & 130' +/- 96.7'
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Applicant is proposing a veterinary clinic in an existing comm. building which is not allowed in the R-2 Zone.

The undersigned hereby requests a variance to the terms of Article 42.14 Section Table 1-C-5

And asks that said terms be waived to permit a veterinary clinic in the R-2 Zone.

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 constitutes grounds for a variance Although zoned R-2, the property is located at a very busy commercially developed intersection. Given the previous variance granted allowing the commercial building to be constructed, a commercial use of the building is reasonable.

Signed _____

(As Agent for the Applicant)

CRITERION FOR VARIANCE

CASE # _____

DATE _____

A variance is request by Animal Health Center/Dr. Cynthia Hoisington

from Section 42.14

subsection Table 1-C-5

of the Zoning Ordinance to permit: a veterinary clinic in the R-2 Zone.

at 54 Lowell Street

Map 128 Lot 73 Zone R-2

Facts supporting this request:

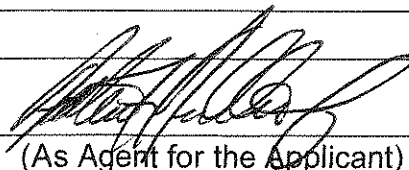
1.) The proposed use would not diminish surrounding property values because: The existing building is a commercial building (as a result of a previous variance); property is located near a busy commercially developed intersection. Also note that there will be no outside kennels nor will the facility board dogs other than those who may have to stay overnight due to surgery or other trauma.

2.) Granting the variance would be of benefit to the public interest because: Granting the variance will allow a reasonable use of an existing commercial building.

3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances that distinguish it from other properties similarly zoned: the existing building was intended to be used for commercial use as stated in the original variance. A vet clinic is simply another form of commercial use.

4.) Granting the variance would do substantial justice because: the building was built as a commercial structure (print shop) as a result of a variance granted by the ZBA. Continuing its use as a commercial building would be in keeping with the original intent of the owner.

5.) The use is not contrary to the spirit of the ordinance because: the lot and the area in general is commercially oriented. Basically, the development that has taken place in this area has changed from what was originally contemplated by the ordinance..



(As Agent for the Applicant)

5/18/2010

Date

NORWAY PLAINS ASSOCIATES, INC.

SURVEYORS - ENGINEERS - TRANSPORTATION PLANNERS

31 Mooney Street
Alton, New Hampshire 03809
Alton Office (603) 875-3948
E-MAIL: anickless@norwayplains.com
WEB: www.norwayplains.com

2 Continental Boulevard (03867) P. O. Box 249
Rochester, New Hampshire 03866-0249
Telephone (603) 335-3948
NH (800) 479-3948
Fax (603) 332-0098

May 18, 2010

Mr. Ralph Torr, Chair
Zoning Board of Adjustment
Planning, Development & Zoning
31 Wakefield Street
Rochester, NH 03867

Re: Request for Variance - Animal Health Center - Map 128, Lot 73 - Hancock Street

Dear Ralph:

On behalf of the Animal Health Center and Dr. Cynthia Hoisington, we hereby submit application and supporting data for a variance to the terms of Article 42.16, Table 1-C-5. Specifically, we request that the terms of said section be waived to allow a veterinary clinic in the R-2 zone.

The subject property is located on the northeasterly side of Lowell Street near its intersection with Hancock Street. You may recall that the ZBA recently took up a variance request for this lot and approved the creation of a lot that did not meet the rear yard setback (Lot 128-73-1). There is an existing commercial building on the property that was built sometime in the 1980s after approval by the ZBA. This building was originally constructed to house Cadorette Printing.

Dr. Hoisington currently operates the Animal Health Center at 66 Rochester Hill Road. Her intent is to relocate her office to this location which offer better parking and access. There are 16 parking spaces associated with the existing building.

The obvious concern for any veterinary clinic is noise from barking dogs. As outlined on the attached application and criteria forms, Dr. Hoisington will not have any outside kennels at this facility. The Center only sees cats and dogs and does not board dogs other than those that have had surgery. (They do board cats that may have special medical needs that the typical boarding facility might not be able to deal with.) It is also worth noting that their present location is in the R-1 zone.

Thank you for your consideration.

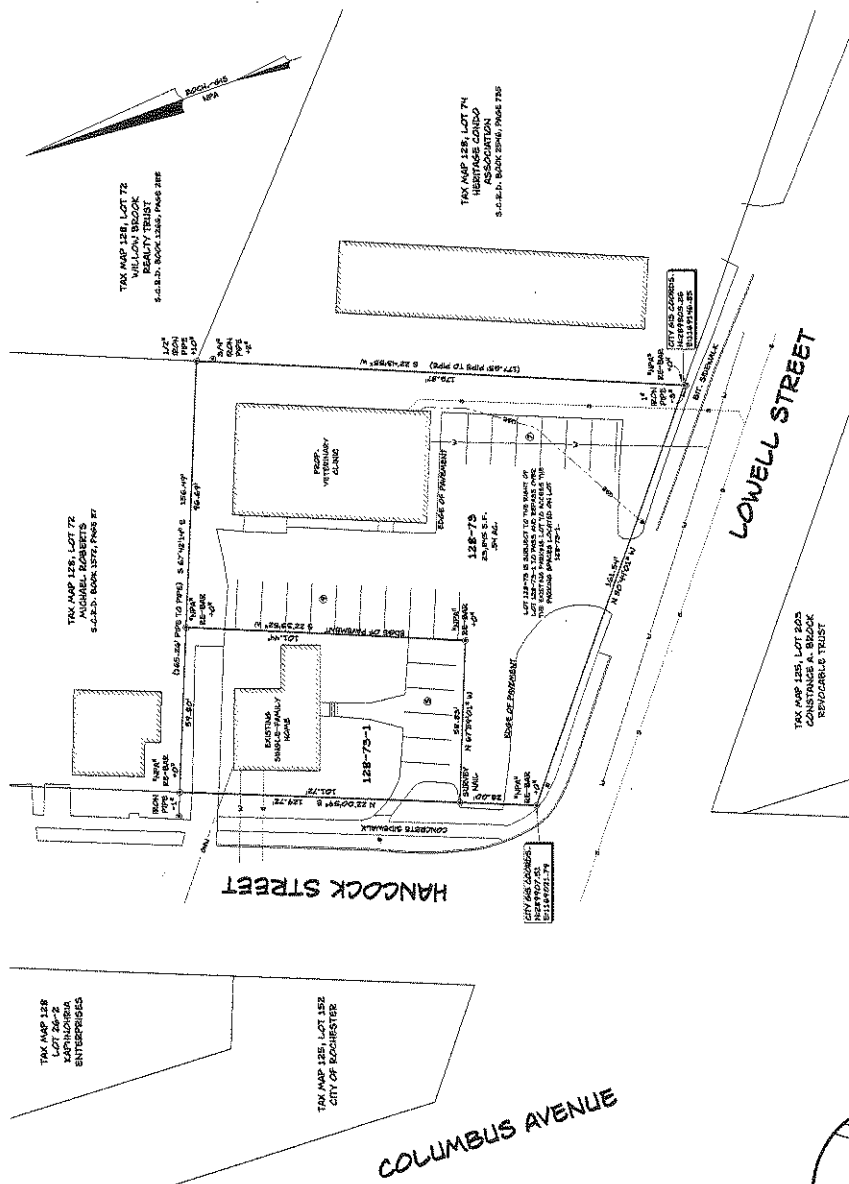
Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

By: _____

Arthur H. Nickless, Jr., PLS, President

cc: Cynthia Hoisington, DVM



GENERAL NOTES:

1. THE PLANNING BOARD HAS REVIEWED THE CONVERSION OF THE EXISTING COMMERCIAL BUILDING INTO A RESIDENTIAL CLINIC.
2. TOTAL PARCEL AREA: TAX MAP 128, LOT 73: 0.20 ACRES
3. PARCEL 19 (SHOWN IN DISCREPANCY): 0.20 ACRES
4. PARCEL 19 (SHOWN IN DISCREPANCY): 0.20 ACRES
5. BUILDING STRUCK: 11' x 15' x 11' x 11' x 11' x 11'
6. THE PARCEL IS BOUND BY THE COLUMBUS AVENUE AND LOWELL STREET.
7. THE LOT IS BOUND BY THE COLUMBUS AVENUE AND LOWELL STREET.
8. FOR MORE INFORMATION ABOUT THIS PROJECT, CONTACT THE ROCHESTER PLANNING DEPARTMENT, 31 UNIVERSITY STREET, ROCHESTER, NH 03867, (603) 251-1234.

PLANNING BOARD CONSIDERATION APPROVAL NOTICE:

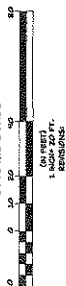
1. THE PLANNING BOARD HAS REVIEWED THE CONVERSION OF THE EXISTING COMMERCIAL BUILDING INTO A RESIDENTIAL CLINIC.
2. A VARIANCE APPLICATION TO LOT 128-73 WAS APPROVED BY THE PLANNING BOARD ON MAY 18, 2010. THE VARIANCE IS FOR THE CONVERSION OF THE EXISTING COMMERCIAL BUILDING INTO A RESIDENTIAL CLINIC. THE PLANNING BOARD HAS REVIEWED THE CONVERSION OF THE EXISTING COMMERCIAL BUILDING INTO A RESIDENTIAL CLINIC.
3. IF A DISCREPANCY IS FOUND ON LOT 128-73 IN THE FUTURE IT MUST BE CORRECTED WITHIN 180 DAYS OF THE DATE OF THIS NOTICE.

TAX MAP 128, LOT 73
OWNER OF RECORD:
ROBERT E. CADORRETT REVOCABLE TRUST
54 HANCOCK STREET
ROCHESTER, NH 03867
S.C.R.D. BOOK 3782, PAGE 148

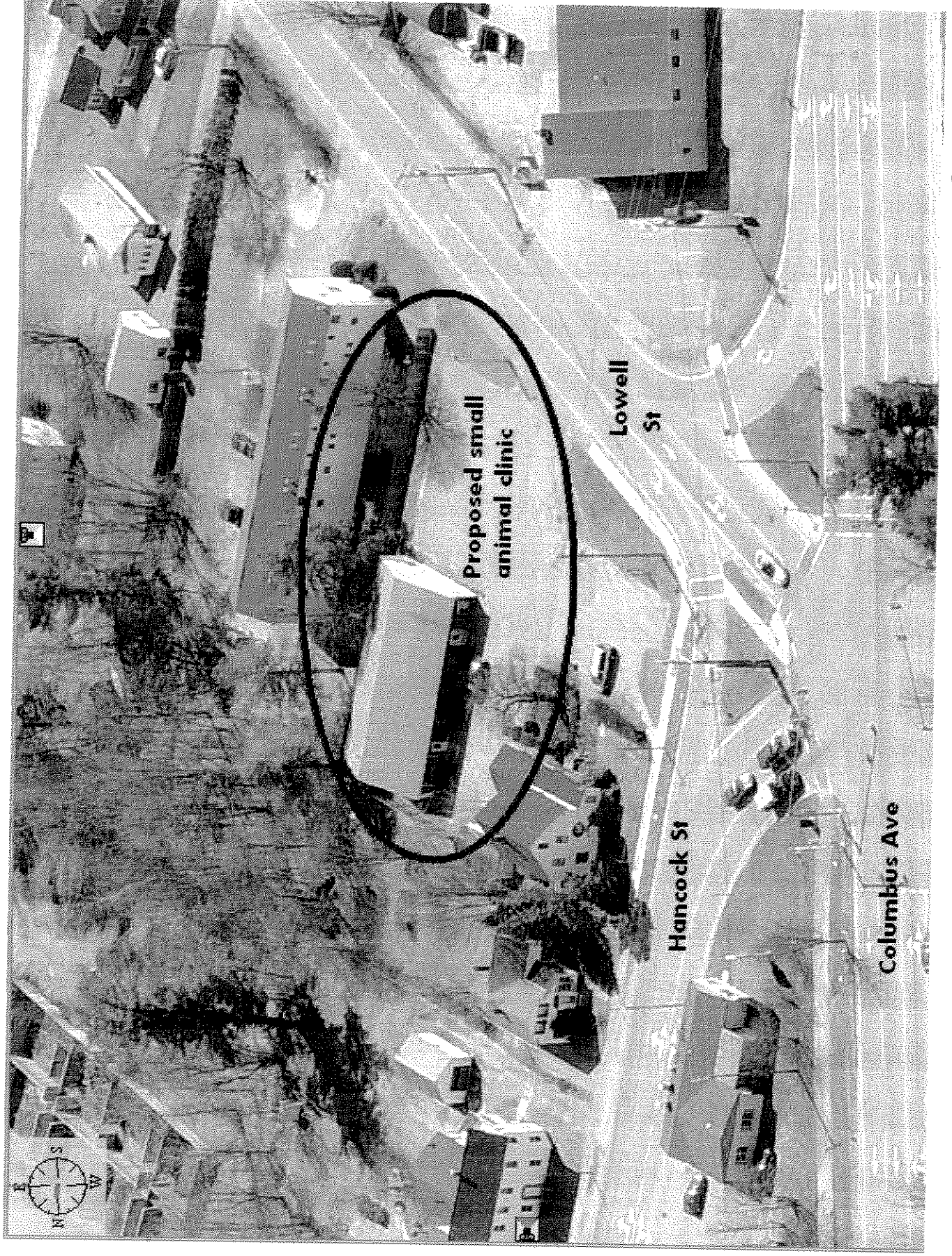
ZONING SKETCH
54 HANCOCK STREET
51 LOWELL STREET
ROCHESTER
STAFFORD COUNTY
NEW HAMPSHIRE
ANIMAL HEALTH CENTER MAY 18 2010
CYNTHIA HOISINGTON, DVM

1" = 20'

GRAPHIC SCALE



TITLE NO. 10000-SP-1
PLAN NO. C-2528-SP
DATE: MAY 18, 2010
BY: [Signature]



2010-11



THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM.

PHOTOGRAPHY DATE: APRIL 28, 1990

COMPLETION DATE: JUNE 30, 1992

PRODUCED IN 1992 BY
CARTOGRAPHIC ASSOC. INC.
PROFESSIONAL CONSULTANTS
1000 PLAZA DRIVE
1000 PLAZA DRIVE, LITTLETON, NEW HAMPSHIRE 03044-4768
(603)444-4768 - (800)322-4546 - FAX (603)444-4768

LEGEND

LOT NUMBER
AREA (ACRES)
STREET NAME
WATER

SCALE 1" = 100'

INDEX DIAGRAM

MAP 128

PROPERTY MAPS

ROCHESTER

NEW HAMPSHIRE

REVISOR TO: APRIL 1, 2009

ABUTTER LIST

City of Rochester, NH
Please Print or Type

Applicant: Animal Health Center/Dr. Cynthia Hoisington Phone: 332-3358

Project Address: 54 Hancock Street

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 | Owner Name | Mailing Address |
|-----|-----|-------------------------------------|--|
| 128 | 73 | Robert E. Cadorette Revocable Trust | 111 Mariner Lane; Rotonda West, FL 33947 |

ABUTTING LOT OWNERS

| Map | Lot | Owner Name | Mailing Address |
|-----|------|--|--|
| 128 | 26-2 | Kaphnohria Enterprises, LLC | 49 Hancock St.; Rochester, NH 03867 |
| 128 | 72 | Michael R. Roberts | 52 Hancock Street; Rochester, NH 03867 |
| 128 | 74 | Heritage Condo Association | c/o In Demand Realty, LLC P.O. Box 9; Dover, NH 03820 |
| 128 | 77 | Willowbrook Realty Trust c/o Lewis Busconi | P.O. Box 238; Hudson, MA 01749 |
| 128 | 203 | Constance A. Brock Revocable Trust | 46A Ten Rod Road; Rochester, NH 03867 |
| 128 | 204 | City of Rochester | |
| 125 | 152 | City of Rochester | |
| | | | |
| | | | |
| | | | |

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 |
|---|--|
| Norway Plains Assoc., Inc. | P.O. Box 249; Rochester, NH 03866-0249 |
| | |

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, Patriot

Database on this date: 5/19/2010, This is page 1 of 1 pages.

Applicant or Agent: 