



PLANNING & DEVELOPMENT DEPARTMENT
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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 2013-14**

April 15, 2013

2013-14 Application by Berry Surveying and Engineering for a variance under Article 42.16 Table 2 of the City's Zoning Ordinance to permit construction of sixteen (16) additional units in the area of an existing foundation that was allowed and approved under a prior Zoning Ordinance but not permitted under the current Zoning Ordinance. Variance under current Zoning Ordinance required to allow sixteen (16) units vs. the nine (9) allowed.

Location: 5 Willowbrook Drive
Map 128 Lots 77 & 77-1 Residential 1 & 2 Zones

The above variance was **GRANTED** as presented at the Zoning Board of Adjustment's April 10, 2013 meeting, by an affirmative vote of at least three members of the Zoning Board of Adjustment with the following conditions:

Fencing and/or shrubs are installed to protect against trespassers and vehicle lights

The variance was granted for the following reasons:

- The variance is not contrary to the public interest because it will not exacerbate the overcrowding of land.
- The spirit of the ordinance is observed because it will not impede the adequate provision of transportation, solid waste facilities, water, sewerage, schools, and parks.
- If granted, the benefit to this individual applicant outweighs any harm to the community as a whole.
- The value of surrounding properties will not be diminished because it will not generate levels of noise, light, activity or traffic that are significantly different from that which currently exists.


Ralph Torr, 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
Berry Surveying & Engineering
File