



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 2013-10

April 15, 2013

2013-10 Application by Route 202, LLC for a variance under Article 42.14 Table 1 (B)(1),(6) & (9) of the City's Zoning Ordinance to permit construction and use of buildings with retail and/or office or restaurant uses which are not allowed in an Residential 1 zone.

Location: 19 & 26 Labrador Drive
Map 130 Lots 43 & 43-1 Residential 1 Zone

The above variance was **DENIED** as presented, at the Zoning Board of Adjustment's April 10, 2013 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 increase congestion in the streets, and will diminish the value of buildings
- The spirit of the ordinance is not observed because increase congestion in the streets, and will diminish the value of buildings
- 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 be visible from the street, and will be visible from abutting properties.



Ralph Torr, Chair
Rochester Board of Adjustment

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
Attorney James Schulte
File