



PLANNING, DEVELOPMENT AND ZONING DEPARTMENT

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

RECEIVED
DEC 26 2012

City Planning
Community Development
Economic Development
Zoning Development

APPLICATION FOR VARIANCE TO: BOARD OF ADJUSTMENT CITY OF ROCHESTER

pd
175
12500

DO NOT WRITE IN THIS SPACE

CASE NO. 2013-02

DATE FILED 12-26-12

Phone No. (603) 335-3512

C. Lewis
ZONING BOARD CLERK

Name of Applicant John T. Kenney, Jr.

Address 8 Ancil Court; Rochester, NH 03839

Owner of property concerned SAME
(if same as applicant write "same")

Address SAME
(if same as applicant write "same")

Location of property 8 Ancil Court

Map No. 138 Lot No. 115 Zone B-2/A

Description of property 160' 125' 160'
(give length of frontage, side lines rear lines)

Proposed use or existing use affected 20' x 30' garage addition

The undersigned hereby requests a variance to the terms of Article 42.16 Section Table 2

And asks that said terms be waived to permit The addition of a 20' x 30' garage that will be less than the Required rear (12' where 25' is required) and side setback (6' where 8' is 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 constitutes grounds for a variance As to the rear setback, the existing building is less than 1-foot from the rear line so the addition will be more conforming; there is no side setback in this zone for non-residential uses and the property abuts a commercial use.

Signed

[Signature]
(As Agent for the Applicant)

CRITERION FOR VARIANCE

CASE # _____
DATE _____

A variance is request by John T. Kenney, Jr.

from Section 42.16 subsection Table 2

of the Zoning Ordinance to permit: a garage addition that is 12' from the rear lot line where 25' is req'd. and 6' from the side lot line where 8' is required.

at 8 Ancil Court Map 138 Lot 115 Zone B-2

Facts supporting this request:

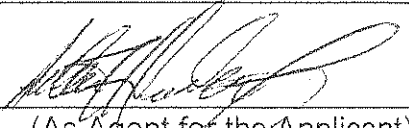
1.) The proposed use would not diminish surrounding property values because: The proposed use is consistent with other similar uses in the neighborhood; also, as to the rear setback, the existing building is only 1' off the rear lot line, so the addition will be more conforming; as to the side yard, there is no setback in the B-2 zone for non-residential uses, so if this garage was for a commercial use, no variance would be required.

2.) Granting the variance would be of benefit to the public interest because: The variances requested will not be contrary to the public interest; if granted, the relief requested will not alter the essential character of the neighborhood and will not threaten the health, safety or welfare of the public.

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: Because the building is a residential building, an 8' setback is required but there is no requirement for a commercial use; as to the rear setback, the new addition will be more conforming than the present building, which is approximately 1' off the rear lot line.

4.) Granting the variance would do substantial justice because: technically, the applicant is using the property partly for residential use and partly for commercial use (office) so the 8' side setback should not be a factor; also the addition will be further from the back line than the current building.

5.) The use is not contrary to the spirit of the ordinance because: As to the sideline, there is no requirement if the use were commercial in nature; as to the rear setback, the addition will not increase the non-conformity that already exists by virtue of the existing building being only 1' from the rear line.


(As Agent for the Applicant)

12/26/12

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

December 26, 2012

Councilor Ralph Torr, Chair
Rochester Zoning Board of Adjustment
31 Wakefield Street
Rochester, NH 03867

Re: John T. Kenney, Jr. - 8 Ancil Court - Tax Map 138, Lot 115

Dear Councilor Torr:

On behalf of John Kenney we hereby submit application and supporting data in support of a variance for the above referenced lot. Specifically, we request that the Board grant relief from the side and rear setbacks of the B-2 zone to allow a garage addition to be 6-feet from the side setback where 8-feet is required and 12-feet from the rear lot line where 25-feet is required.

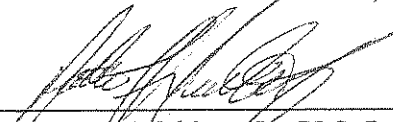
The existing building, constructed around 1922, encroaches substantially into the rear setback as the structure is only about 1-foot off the rear lot line. The proposed addition will be located about 12-feet off the rear lot line so it will not increase the existing non-conformity.

As to the side yard, the 8-foot required setback is only for residential uses. Non-residential uses in the B-2 zone are not subject to a side setback. The proposed garage will only encroach into the setback near the rear corner of the proposed structure.

Thank you for your consideration.

Sincerely,

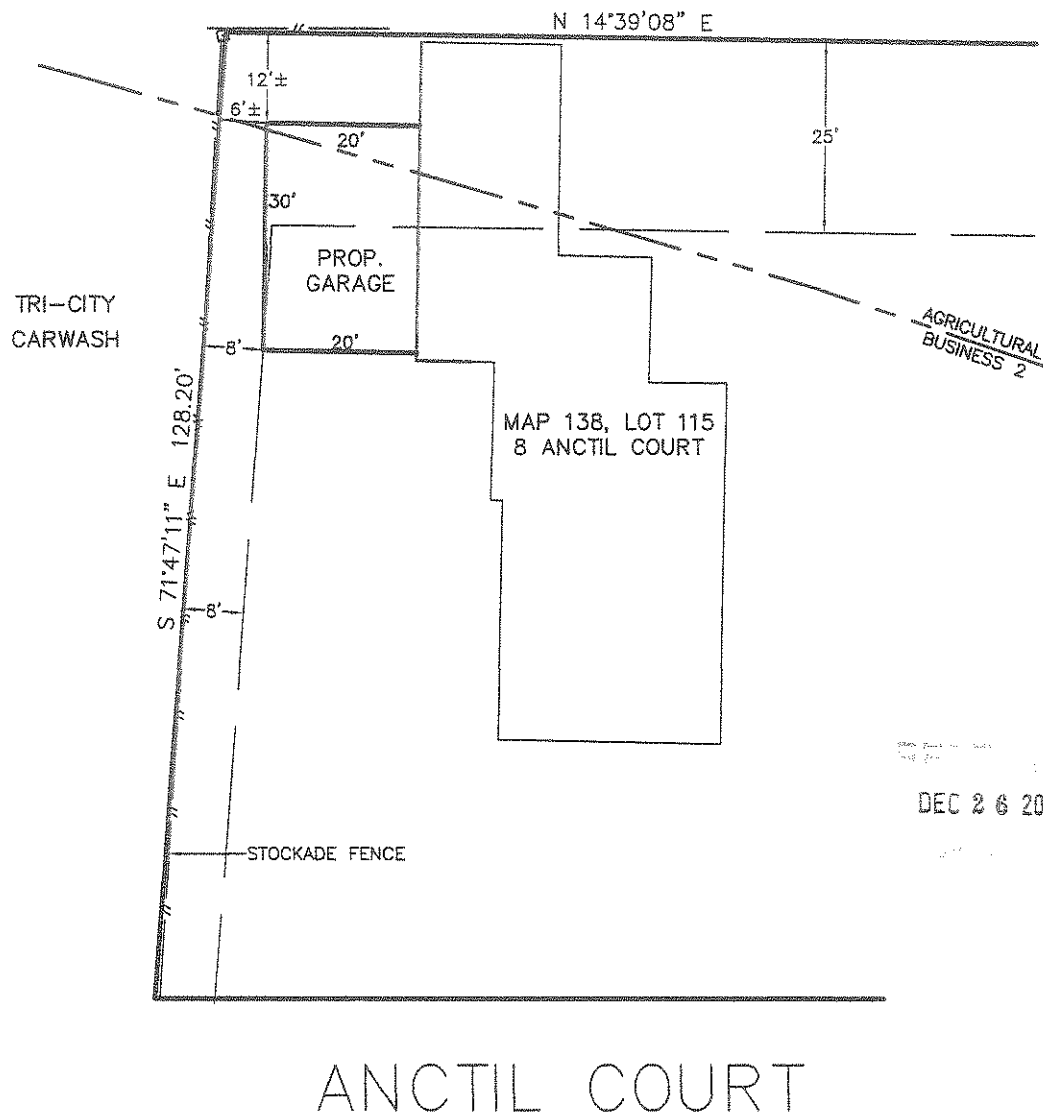
NORWAY PLAINS ASSOCIATES, INC.

By: 
Arthur H. Nickless, Jr., PLS, President

cc: John Kenney



SETBACKS: FY=15' SY= 8' RY=25'



DEC 26 2012

NORWAY PLAINS ASSOCIATES, INC.
SURVEYORS - ENGINEERS - TRANSPORTATION PLANNERS
P.O. Box 240, Rochester, N.H. 03667
TELEPHONE (603) 335-3948

FN: 136
JN: 12198/OD-1

DATE: 12/10/12
SCALE: 1"=20'

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0138-0115-0000	Account Number 32832
Prior Parcel ID --	Property Location 8 ANCTIL CT
Property Owner KENNEY JOHN T JR	Property Use TWO FAMILY
Mailing Address 8 ANCTIL CT	Most Recent Sale Date 3/24/1999
City ROCHESTER	Legal Reference 2091-601
Mailing State NH	Grantor BINGHAM JANE L
Zip 03839	Sale Price 112,000
Parcel/Zoning A	Land Area 0.440 acres

Current Property Assessment

Card 1 Value	Building Value 109,000	Yard Items Value 0	Land Value 50,400	Total Value 156,400
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Building Description

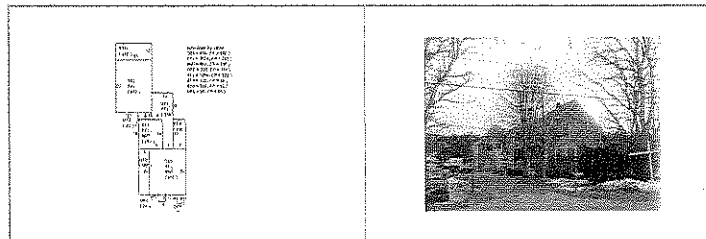
Building Style DUPLEX	Foundation Type FULL	Flooring Type AVERAGE
# of Living Units 2	Frame Type WOOD	Basement Floor N/A
Year Built 1922	Roof Structure GABLE	Heating Type FORCED H/W
Building Grade AVERAGE	Roof Cover ASPHALT SH	Heating Fuel GAS
Building Condition Average	Siding FRAME	Air Conditioning 0%
Finished Area (SF) 3822	Interior Walls AVERAGE	# of Bsmr Garages 0
Number Rooms 10	# of Bedrooms 4	# of Full Baths 2
# of 3/4 Baths 0	# of 1/2 Baths 2	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 0.440 acres of land mainly classified as TWO FAMILY with a(n) DUPLEX style building, built about 1922, having FRAME exterior and ASPHALT SH roof cover, with 2 unit(s), 10 room(s), 4 bedroom(s), 2 bath(s), 2 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

ABUTTER LIST
City of Rochester, NH
Please Print or Type

Applicant: John T. Kenney, Jr. **Phone:** 335-3512

Project Address: 8 Ancil Court

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	Zone	Owner Name	Mailing Address
138	115	B2	John T. Kenney, Jr.	8 Ancil Court; Rochester, NH 03839

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
137	10	Normand A. Ramsey Family Foundation	c/o Raymond Ramsey; P.O. Box 1329; York Beach, ME 03910-1329
137	29	Robert W. & Anna M. Clarke	12 Ancil Court; Rochester, NH 03839
138	1	Troy J. & Karen I. Taylor	93 Main Street, Rochester, NH 03839-5217
138	114	Brian F. & Nancy L. Whitworth	760 Ribault Road; Beaufort, SC 29902

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
Arthur Nickless/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. 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: 12/28/12, This is page 1 of 1 pages.

Applicant or Agent: 

Planning Staff Verification: _____ Date: _____