



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 2012-09

April 12, 2012

2012-09 Application by Colby Footwear for a variance under Article 42.9 (b)(17) of the City's Zoning Ordinance to permit parking requirements to be determined by the number of employees rather than the size of the building resulting in 82 parking spaces rather than 128 required.

Location: Oak Street & Rte 125 (Gonic)
Map 138 Lot 79 & 80, Business 2 and Residential 1 Zones

The above variance was **GRANTED**, as presented, at the Zoning Board of Adjustment's April 11, 2012 meeting, by an affirmative vote of at least three members of the Zoning Board of Adjustment, for the following reasons:

- The variance will not be contrary to the public interest because it will not negatively impact health and the general welfare
- The spirit of the ordinance is observed because it will not compromise the provision of adequate light and air
- If granted the benefit to this individual applicant outweighs any harm to the community in general
- The value of surrounding properties will not be diminished because the hours of operation are such that impacts from increased levels of noise, light, activity, or traffic are not problematic.

Lawrence Spector, Acting 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
Norway Plains Associates
File