



City Planning
Community Development
Economic Development
Zoning Development

PLANNING, DEVELOPMENT AND ZONING DEPARTMENT

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

RECEIVED
MAR 28 2012
Planning Dept.

APPLICATION FOR VARIANCE TO: BOARD OF ADJUSTMENT CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2012-09
DATE FILED 3/28/12

Phone No. 800-970-8482

C. Lewis
ZONING BOARD CLERK

Name of Applicant Colby Footwear, Inc.

Address 364 Route 108; Somersworth, NH 03878

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

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

Location of property Oak Street & Rte. 125

Map No. 138 Lot No. 79 & 80 Zone B-2/R-1

Description of property 255' (Rte. 125 391.5' 1,982'
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Parking requirements.

The undersigned hereby requests a variance to the terms of Article 42.9 Section (b)(17)

And asks that said terms be waived 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 by using the area of the building. (Max. employees/shift is 31 resulting in the need for 31 spaces.)

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 The building is a warehouse so it's size is based on the storage area needed. Using the employee count, only 31 spaces are needed, but there will be 82 existing spaces remaining after the addition is built.

Signed [Signature] 3/27/12
(As Agent for the Applicant)

CRITERIA FOR VARIANCE

MAR 28 2012

Case # _____ Planning Dept.

Date: _____

A Variance is requested by _____ Colby Footwear, Inc. _____

from Section _____ 42.9 _____ Subsection _____ (b)(17) _____

of the Zoning Ordinance to permit: parking requirements per the number of employees
in the maximum shift rather than by the size of the building.

at _____ Oak Street/Rte. 125 _____ Map _____ 138 _____ Lot _____ 79 & 80 _____ Zone _____ B-2/R-1 _____

Facts supporting this request:

1) The proposed use would not diminish surrounding property values because:

Using the smaller number of spaces derived at by using the employee count will negate
the need to create parking spaces that are definitely not needed for the proper operation of
the site.

2) Granting the variance is not contrary to the public interest because: Limiting the
construction of unneeded parking is better for the neighborhood & the environment.

3.) Denial of the variance would result in unnecessary hardship to the owner because
of the following special circumstances of the property: Using the size of the building
would result in the need to construct nearly 100 spaces more than what is needed to
satisfy the needs of the applicants.

4.) Granting the variance would do substantial justice because: It will allow the project
to be constructed in a reasonable manner and consistent with the actual needs of the users.

5.) The use is not contrary to the spirit of the ordinance because: The ordinance
strives to ensure that all uses have adequate parking. In this case, the size of the building
bears no reasonable relationship to the number of employees; rather, the building size is
necessary to accommodate the storage area that is needed for the business.

Name _____

Arthur H. Nickless Jr., Agent

Date: _____

3/21/12

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

March 28, 2012

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

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Planning Dept.

Re: Variance Request - Colby Footwear, Inc. - Map 138, Lot 78 & 79

Dear Ralph:

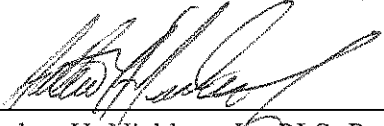
On behalf of the above referenced applicant, we hereby submit application and supporting data for a variance to the terms of Article 42.9(b)(17). Specifically, we request that the section be waived to allow the parking spaces required to reflect the number of employees rather than the gross floor area of the building.

The company is proposing a 2-story warehouse addition to their existing facility located at the intersection of Oak Street and Rte. 125. In total, the building will consist of 104,982 s.f. Using the building area formula for parking (1 space/800 s.f.) would require 128 spaces. Using the employee formula, 31 employees would require only 31 spaces. Once the addition is constructed, changes to the existing graveled parking lot located at the rear of the building will result in 82 parking spaces available. (18 spaces in the front of the building and 64 spaces in the existing graveled parking area.)

We look forward to discussing this application with you and the other members of the ZBA and thank you in advance for your consideration.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

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

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0138-0080-0000	Account Number 27543
Prior Parcel ID -	
Property Owner COLBY FOOTWEAR INC % EASY STREET SALES	Property Location 15 OAK ST
Mailing Address 364 ROUTE 168	Property Use MANUFACTURE
	Most Recent Sale Date 10/26/1990
City SOMERSWORTH	Legal Reference 2017-792
	Grantor COLBY MACHINE CORPORATION
Mailing State NH Zip 03878-1588	Sale Price 4,000
Parcel Zoning B2	Land Area 2.100 acres

Current Property Assessment

Card 1 Value	Building Value 328,000	Yard Items Value 7,900	Land Value 283,500	Total Value 625,000
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Building Description

Building Style INDUST-LT	Foundation Type CONCRETE	Flooring Type AVERAGE
# of Living Units 1	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1957	Roof Structure FLAT	Heating Type FORCED H/A
Building Grade AVERAGE	Roof Cover MEMBRANE	Heating Fuel GAS
Building Condition Average	Siding CONC BLOCK	Air Conditioning 3%
Finished Area (SF) 32694	Interior Walls AVERAGE	# of Berth Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 6	# of Other Fixtures 0

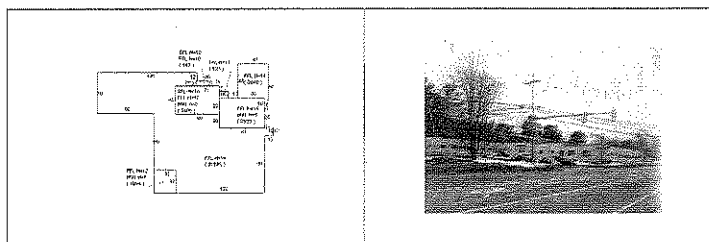
Legal Description

EASEMENT TO NORTHERN UTILITIES INC BK 3688 PG 256

Narrative Description of Property

This property contains 2.100 acres of land mainly classified as MANUFACTURE with a(n) INDUST-LT style building, built about 1957, having CONC BLOCK exterior and MEMBRANE roof cover, with 1 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 6 half bath(s).

Property Images



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

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID	0138-0079-0000	Account Number	32780
Prior Parcel ID	--	Property Location	25 OAK ST
Property Owner	COLBY FOOTWEAR INC % EASY STREET SALES	Property Use	DEV RES LAND
Mailing Address	364 ROUTE 168	Most Recent Sale Date	10/26/1990
City	SOMERSWORTH	Legal Reference	2017-792
Mailing State	NH	Grantor	COLBY MACHINE CORPORATION
Zip	03878-1586	Sale Price	4,000
Parcel/Zoning	R1	Land Area	1.200 acres

Current Property Assessment

Card 1 Value	Building Value 0	Yard Items Value 0	Land Value 60,700	Total Value 60,700
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Building Description

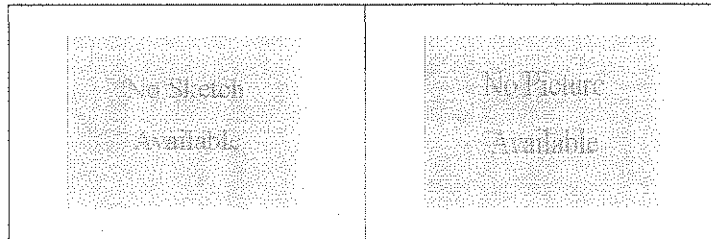
Building Style	N/A	Foundation Type	N/A	Flooring Type	N/A
# of Living Units	N/A	Frame Type	N/A	Basement Floor	N/A
Year Built	N/A	Roof Structure	N/A	Heating Type	N/A
Building Grade	N/A	Roof Cover	N/A	Heating Fuel	N/A
Building Condition	N/A	Siding	N/A	Air Conditioning	0%
Finished Area (SF)	N/A	Interior Walls	N/A	# of Basement Garages	0
Number Rooms	0	# of Bedrooms	0	# of Full Baths	0
# of 3/4 Baths	0	# of 1/2 Baths	0	# of Other Fixtures	0

Legal Description

Narrative Description of Property

This property contains 1.200 acres of land mainly classified as DEV RES LAND with a(n) N/A style building, built about N/A, having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



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

**City of Rochester, NH
Abutter List**

RECEIVED

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Planning Dept.

Applicant: Colby Footwear, Inc.

Phone: 800-970-8482

Mailing Address: 364 Route 108

City: Somersworth **State:** NH **Zip:** 03878-1579

Project Address: 15 Oak Street

(1) List the name and address of each owner whose lot adjoins or is directly across the street or body of water from the Project Lot.

(2) Note: It is the **APPLICANT'S RESPONSIBILITY** to insure that all legal abutters are notified. **This form may not be completed more than 5 days prior to the application deadline.**

Map	Lot	Owner of Project	Mailing Address
138	79, 80	Same as applicant	

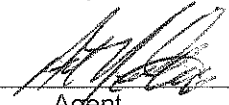
Legal Abutters To Project Lot:

Map	Lot	Owner	Mailing Address
138	48	PLLB Realty, LLC	68 Ten Rod Rd.; Rochester, NH 03867
138	49	Jeri Vandenbosch Living Trust	P.O. Box 586; Barrington, NH 03825
138	57	Beryl Muggelston Irrevocable Trust	c/o Barbara DeHart; 168 No. Main St.; Rochester, NH 03867
138	58	Lawrence & Christie Lapierre	20 Oak Street; Rochester, NH 03839-5631
138	59	Gerald F. & Theresa Gilman	22 Oak Street; Rochester, NH 03839-5631
138	75	Donald Daggett	31A Oak Street; Rochester, NH 03839-5630
138	78	Ronald, Sr. & Sandra English	P.O. Box 7140; Rochester, NH 03839-7140
138	89	Roland J. Chenard	3 Lark Lane; Rochester, NH 03868
138	90	Maurice A. & Arlene M. Lamper	27 Patriots Way; Rochester, NH 03839
138	91	Frank P., Antonio J., Evangelina Figuerdo & Silvia R. Weeks	P.O. Box 7084; Rochester, NH 03866-7084

Holders of Conservation/Preservation Easements:

Easement Holder	Mailing Address

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 all legal abutters and holders of conservation/preservation easements in a complete, accurate, and timely manner. In accordance with the directions above and applicable law, I understand that any error or omission could affect the validity of any approval. I certify that the names and addresses listed on this form were obtained from the City of Rochester, NH Patriots Database on 3/27/12, and this is page 1 of 1.



 Agent