



Planning & Zoning  
Community Development  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

PLANNING & DEVELOPMENT DEPARTMENT  
City Hall - Second Floor  
31 Wakefield Street  
Rochester, New Hampshire 03867-1917  
(603) 335-1338 - Fax (603) 335-7585  
Web Site: [www.rochesternh.net](http://www.rochesternh.net)

pd 175-149130

APR 17 2013

### APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

Phone No 603-332-2863

DO NOT WRITE IN THIS SPACE

CASE NO. 2013-20

DATE FILED 4-17-13

C. Lewis  
ZONING BOARD CLERK

Name of applicant: Berry Surveying & Engineering

Address 335 Second Crown Point Road, Barrington, NH 03825

Owner of property concerned ANNA FAZEKAS REVOCABLE TRUST  
ERVIN FAZEKAS, TRUSTEE

(If the same as applicant, write "same")

Address 141 Wakefield Street, Rochester, NH 03867  
(If the same as applicant, write "same")

Location Milton Road (East Side of Route 125)

Map No. 210 Lot No. 48, 50, 54 Zone B2

Description of property Combined Area of 10.43 Ac, (Wooded) w/ approximately 357' of frontage along Milton Road

Proposed use or existing use affected Proposed use will be an 8,000 Sq.Ft. Retail store.

The undersigned hereby requests a variance to the terms of Article 42.9, Section B5 and asked that said terms be waived to permit the parking requirements of the Site Review Regulations to be met and not require the Zoning Ordinance to apply to the proposed parking lot.

If applicable in this case, the undersigned also requests a waiver from the requirement to provide a certified plot plan, (see attached request sheet) Yes XX No       

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 constitute grounds for a variance.

Signed

[Signature]  
(Applicant)

4-17-13

Continue on Page 2

## CRITERIA FOR VARIANCE

Case # \_\_\_\_\_

Date: \_\_\_\_\_

A Variance is requested by Berry Surveying & Engineering

from Section 42.9 \_\_\_\_\_ Subsection B5

of the Zoning Ordinance to permit: Application is to permit less parking spaces than the Zoning ordinance requires. There is a discrepancy between the Site Review regulations and the Zoning Ordinance, and the applicant requests to use the Site Review regulations \_\_\_\_\_ Map 210\_ Lots 48, 50, ~~54~~ Zone B2

Facts supporting this request:

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

The number of parking spaces associated with a proposed business has no bearing on value of property. In actuality the less parking required typically opens the ability for further landscaping, which increases surrounding value in the community as a whole.

2) Granting the variance is not contrary to the public interest because: The public interest in this instance is to ensure that the proper number of spaces is provided to avoid safety concerns along the major corridor. In this case the second standard applied to this project, as well as the retailers own parking numbers ensures enough parking on the site. Additionally, if further parking were required by the denial of the variance, impacts to the 50' wetlands buffer, as well as potential direct impacts to the jurisdictional wetlands would be required. This request is for the betterment of the public interest.

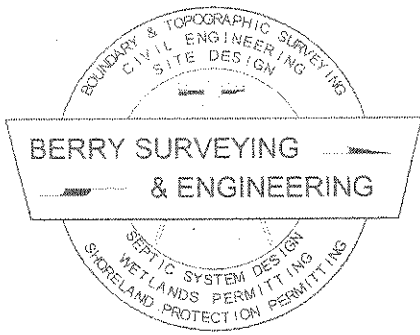
3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property: It would force the applicant to request a variance to allow parking within the 50' buffer, which could otherwise be avoided. The special circumstance is the position of the jurisdictional wetlands in relation to the B2 commercial Zone.

4.) Granting the variance would do substantial justice because: It would allow for another business to come to town increasing the taxable foot print by 8,000 Sq.Ft. In doing so it would prevent impacts to the 50' wetlands buffer while still allowing the proper number of parking spaces.

5.) The use is not contrary to the spirit of the ordinance because: The spirit is designed to ensure enough parking is available. The Site Review Regulations will be met, as will the tenants demand.

Name \_\_\_\_\_

Date: 4-17-13



## **BERRY SURVEYING & ENGINEERING**

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

[www.BerrySurveying.Com](http://www.BerrySurveying.Com)

April 17, 2013

REV: 4-26-13

City of Rochester Zoning Board  
Attn: Planning Department  
31 Wakefield Street  
Rochester, NH 03867

APR 26 2013

Re: Retail Store  
Parking Variance  
Milton Road  
Rochester, NH

Mr. Chairman and Members of the Rochester Zoning Board,

On behalf of the owners of GTM Development and the land owner of Tax Map 210, Lots 48 & 50, Berry Surveying & Engineering is applying for a Variance to Chapter 42, Section 9 (42.9) B5, Parking requirements.

It is commonly known that the parking standards between the Zoning Ordinance and the Site Review regulations differ. The Site Review regulations more closely follow the national parking standards for general uses and parking lots.

On the parcel in question, there is a proposal for approximately eight thousand square feet of retail commercial space. Given the wetlands found on site, and the associated buffers, the parking standard found within the Zoning Ordinance would force environmental impacts on the property. It is our opinion that since the Site Review regulations allows for the number of spaces we are providing and the concurrence of the proposed tenant that the provided parking is sufficient, that in this case the reduction in parking spaces far outweighs the impacts to buffers and wetlands.

The Zoning Ordinance if applied would require 37 spaces, while the Site Review regulations require 30.

With regard to the two parcel request, the proposed building will be on one complete lot after a lot line revision is approved by the Planning Board. As part of the Site Review and Lot Line Revision application, there will be modifications to the land areas now known as lots 48 & 50.

Thank you for your time and attention to this matter, we hope you look favorably upon this request.

Berry Surveying & Engineering

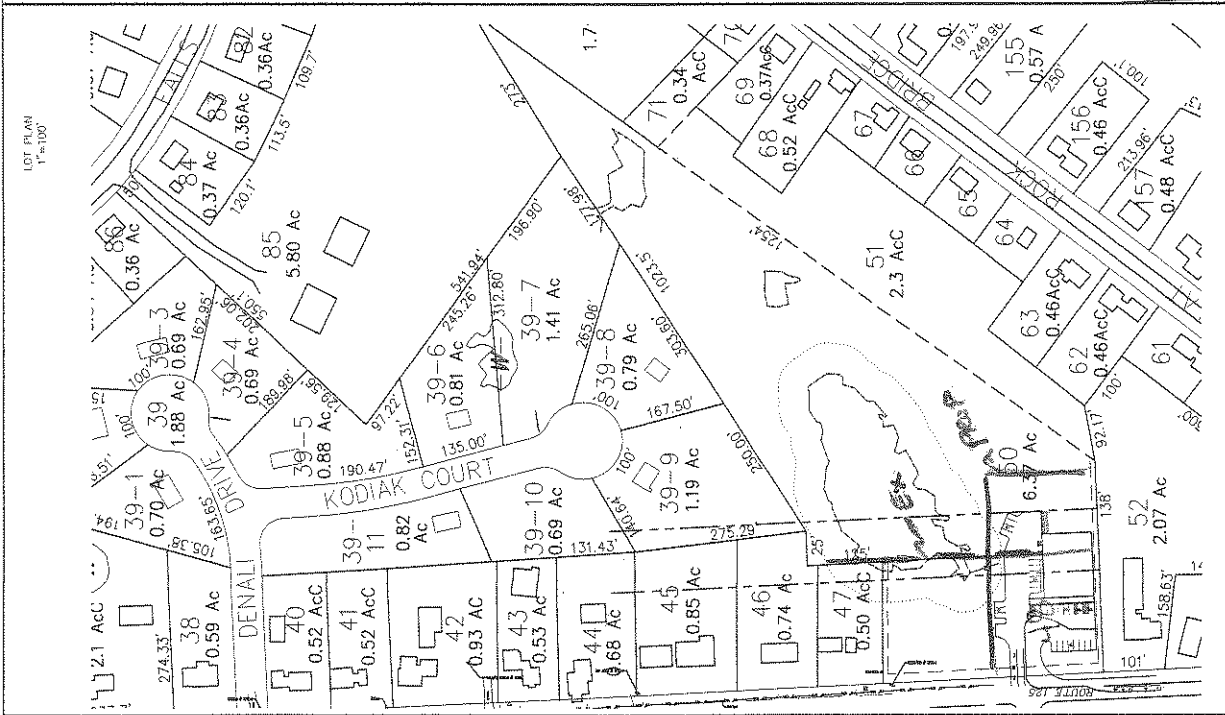
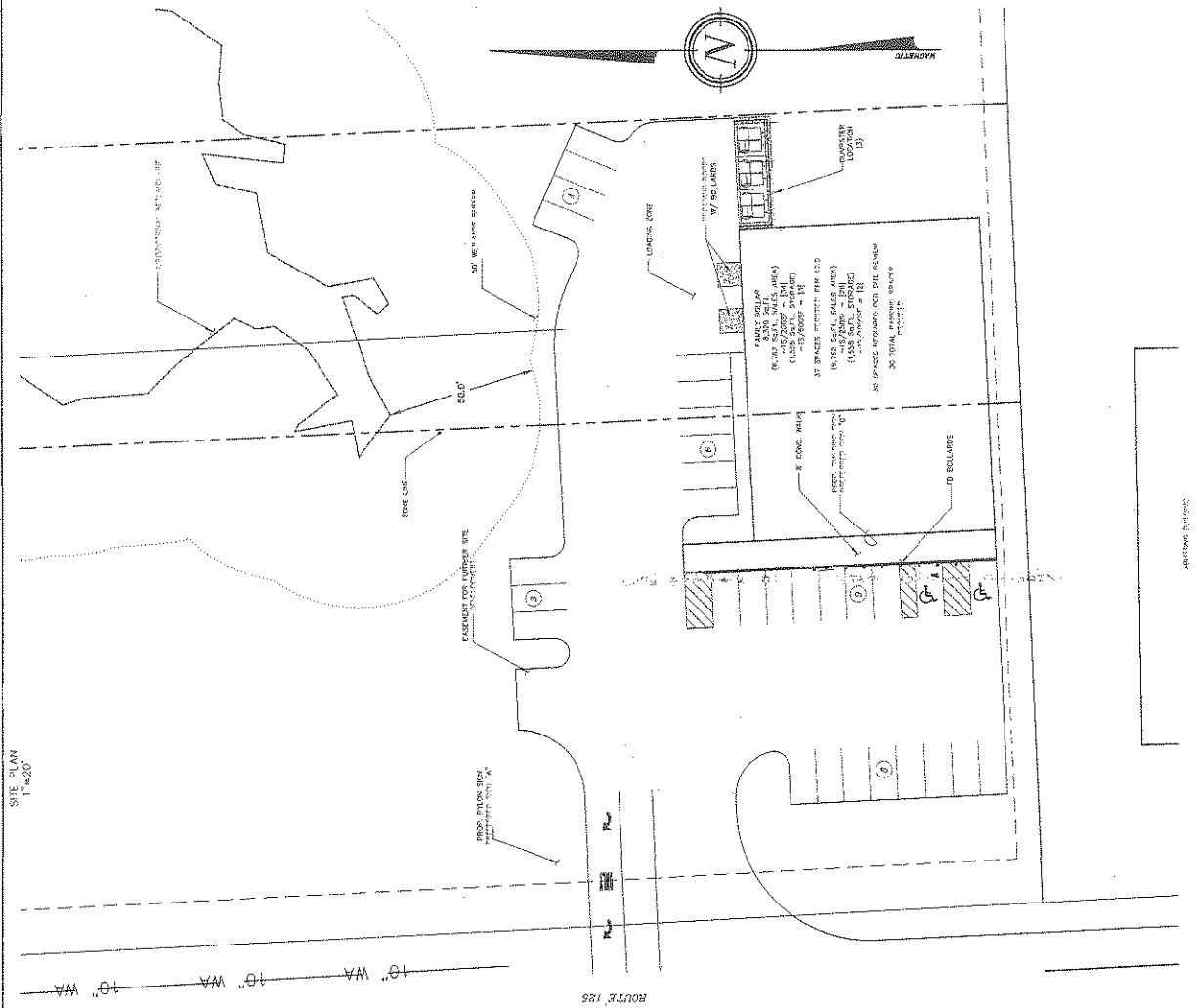
Christopher R. Berry President.



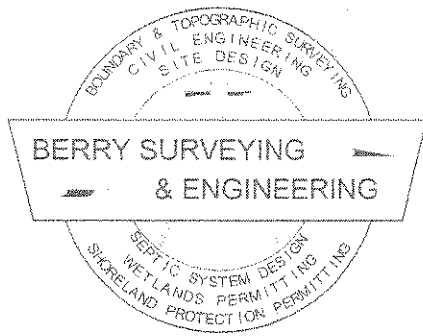
REVISION	DATE	DESCRIPTION

FAMILY DOLLAR  
ROUTE 125  
ROCHESTER, N.H.

BERRY & ENGINEERING  
395 HILLCREST DRIVE  
BARRINGTON, N.H. 032-2863  
SCALE: 1" IN EQUALS 20 FT.  
DATE: APRIL 17, 2013  
FILE NO.: DB 2012-076







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335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

[www.BerrySurveying.Com](http://www.BerrySurveying.Com)

April 26, 2013

### Abutters List

#### Owner of Record

Tax Map 210, Lot 48

Fazekas, Anna Rev Trust &  
Fazekas, Ervin Rev Trust  
141 Wakefield Street  
Rochester, NH 03867  
3864/56

APR 26 2013

Tax Map 210, Lot 50

Fazekas, Anna Rev Trust &  
Fazekas, Ervin Rev Trust  
141 Wakefield Street  
Rochester, NH 03867  
3864/68

Tax Map 210, Lot 51

Fazekas, Anna Rev Trust &  
Fazekas, Ervin Rev Trust  
141 Wakefield Street  
Rochester, NH 03867  
3864/71

Tax Map 210, Lot 71

Fazekas, Anna Rev Trust &  
Fazekas, Ervin Rev Trust  
141 Wakefield Street  
Rochester, NH 03867  
3864/71

TAX MAP 210, Lot 75

NICKLESS, JAMES + DONNA  
36 FLAT ROCK BRIDGE ROAD  
ROCHESTER, NH 03868

**Applicant:**

Mark Lopez  
GTM Properties  
438 Commons Drive  
Bridgeton, ME 04009

**Abutters:**

Tax Map 210, Lot 85

63 Salmon Falls LLC  
761 Washington Road  
Rye, NH 03870  
3848/744

Tax Map 210, Lot 74

Trask, Rodney A.  
32 Flat Rock Bridge Road  
Rochester, NH 03868  
3672/618

Tax Map 210, Lot 52

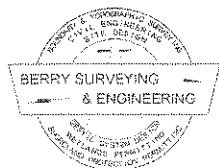
Okeefe Martin Auctions Partnership  
88 Milton Road  
Rochester, NH 03867  
3409/783

Tax Map 210, Lot 6

Okeefe Martin Auctions Partnership  
85 Milton Road  
Rochester, NH 03867  
2977/368

Tax Map 210, Lot 7

Silver Bell Cooperative Inc.  
22 Silver Bell Mo Pk  
Rochester, NH 03868  
1997/158



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Steeves, James W. Jr & L. Betty Lou  
94 Milton Road  
Rochester, NH 03868  
1105/590

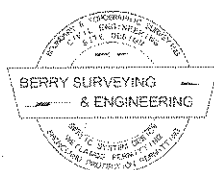
Fazekas, Ervin Rev Trust &  
Fazekas, Kathleen A. Rev Trust  
141 Wakefield Street  
Rochester, NH 03867  
4020/762

Fazekas, Anna Revoc Trust  
Fazekas, Anna Trustee  
760 Portland Street  
Rochester, NH 03868  
3864/65

Market Basket INC  
875 East Street  
Tewksbury, MA 01876  
1584/481

Soucy, Martha M. &  
Bertsimas, Nicholas G.  
23 Kodiak Ct  
Rochester, NH 03868  
3039/261

Fulmer, Laura E. &  
Uden, David C.  
25 Kodiak Ct  
Rochester, NH 03867  
3510/963



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(603) 332-2863 / (603) 335-4623 FAX  
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Tax Map 210, Lot 39-7

Okeefe, Michael A.  
20 Kodaik Ct  
Rochester, NH 03868  
3980/266

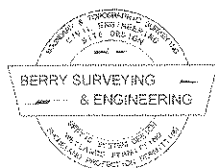
**Professionals:**

Christopher R. Berry  
David A. Berry, P.E., LLS  
Berry Surveying & Engineering  
335 Second Crown Point Road  
Barrington, NH 03825

*pd*

This list was checked by *cll* at the City of Rochester

Assessing Department on *4/26/13*



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