

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

### APPLICATION FOR VARIANCE TO: BOARD OF ADJUSTMENT CITY OF ROCHESTER

Philips APR 1

DO NOT WRITE IN THIS SPACE

APR 1 7 2013

			C,	ASE NO.	2013-16		
			D	ATE FILED	4.17.13		
Phone No. (603) 3:	35-8500						
Service Communication Communic		•			C. Lana		
			delitting.	ZONING	BOARD CLERK		
		01/-	na Mandin Acces	iana Bartnarch	in		
	e of ApplicantO'Keefe Martin Auctions Partnership						
Address	ress 88 Milton Road; Rochester, NH 03868						
Owner of property cor				SAME			
(if			(if same as ap	(if same as applicant write "same")			
Address				SAME			
Address		(if same as applicant write "same")					
Location of property	85 Milt	on Road					
	210		52	Zone	B-2/R-1		
			431'/331'		396'		
Description of propert (give length of	У	frontage,	side lines		rear lines)		
(9,00 100.1947 47		-					
Proposed use or exist	ting use af	fected <u>Auction I</u>	hall/retail sales				
The undersigned here	eby reques	sts a variance to the	terms of Article	42.14 Table	1 Section B(1) & C(9)		
And asks that said tel	rms be wa	ived to permit <i>reta</i>	il sales/auction	hall (place of	public assembly) in the		
Residential-1 zone.	.,,,0 20 .,						
Residential-1 2011e.				:			
The undersigned alle	ges that th	e following circums	tances exist whic	h prevent the p	roper enjoyment of his land		
Under the strict terms	of the Zo	ning Ordinance and	thus constitutes	grounds for a v	ariance <u>the property is</u>		
call between the B.	.2 and R-1	zone but the entir	e lot is slated to	be changed to	o Highway Commercial as		
part of the Comprel							
part of the compret	ICHOLAG V.	security proposition.	·				

Signed

(As Agent for the Applicant)

### CRITERION FOR VARIANCE

	DATE
A variance is request by O'Keefe Martin Auctions Partnershi	
Samuel de la constant	subsection B(1) & C(9)
from Section 42.14 Table 1	
of the Zoning Ordinance to permit: <u>retail sales/auction hall (p</u>	orace or public assembly)
	B2/R
at 85 Milton Road	Map <u>210</u> Lot <u>52</u> Zone <u>1</u>
Facts supporting this request:	
1.) The proposed use would not diminish surrounding propert	ty values because:
Milton Road are zoned B-2 so the use is compatible. The buil	
will be buffered appropriately from the abutting residential u	
After particular	status et il maksi dakutus with ili mateuri mese
,	
identified this lot to be changed in its entirety to the Highway	
waiting patiently for this change to take place, but given the	ume that has passed, they would like to
move forward with their project.	
3.) Denial of the variance would result in unnecessary hardsl	hip to the owner because of the following
special circumstances that distinguish it from other properties sin	nilarly zoned: The R-1 portion of this lot
can not possibly be used for any sort of residential use give	n the commercial uses already taking
place on the property.	
	The ewners would be allowed to
4.) Granting the variance would do substantial justice because	
proceed with their project without having to wait until the Ci	ty Council linally acts on the Comp.
Rezoning proposal.	
5.) The use is not contrary to the spirit of the ordinance beca	ause: The ordinance does allow some
encroachment into the R-1 zone (100') so this proposal seek	ks to increase that encroachment
allowance.	
•.	
	11-11/19 11
	Miller of The Land
	(As Agent for the Applicant)
	(As Agent for the Applicant) 4/17/13
	Date



# PLANNING, DEVELOPMENT AND ZONING DEPARTMENT

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

City Planning Community Development Economic Development Zoning Development

### APPLICATION FOR VARIANCE TO: BOARD OF ADJUSTMENT CITY OF ROCHESTER

APR 1 7 2013

				O NOT WRITE ASE NO.	IN THIS SPA	. stelltille
				ATE FILED		2000
Phone No. (603) 3	35-8500			MARAMAMINION	PARTIES PROPERTY PROPERTY PROPERTY PROPERTY AND	A CONTRACTOR OF THE PROPERTY O
Proprietory Processes (St. A. d Angeles, Andeles, Angeles, Andeles, Angeles, Andeles, Ande						
`			MACATION TO STATE OF THE STATE	ZONING	BOARD CLE	RK
Name of Applicant		O'Ke	efe Martin Auct	ions Partnershi	0	
Address			Road; Rocheste	er, NH 03868		
Owner of property cor				SAME		
Owilor of proporty cor			(if same as a	oplicant write "sai	me")	
Address				SAME		
WINDOWS TO THE PROPERTY OF THE			(if same as a	pplicant write "sa	me")	
Location of property	85 Milto	on Road				
Map No.	210	Lot No.	52	Zone	B-2/R-	1
Description of propert	У	101'		1'/331'	396	
(give length of		frontage,	sid	e lines	rear lir	nes)
Proposed use or exist	ting use aff	ected <u>Auction</u>	hall/retail sales			
The undersigned here	eby reques	ts a variance to the	terms of Article	42.9	Section _	(b)(5)
And asks that said ter	rms be wai	ved to permit _77 /	parking spaces	where 89 are re	quired by the	ordinance.
The undersigned allegunder the strict terms regulations allow for	of the Zon	ing Ordinance and	thus constitutes	grounds for a va	riance <u>the S</u>	ite Review
the Planning Board.						
			Signed	(As Age	nt for the Appl	licant)

Rev. 1/8/04

## CRITERION FOR VARIANCE

	CASE #					
A variance is request by O'Keefe Martin Auctions Partnership	Ed f™ 1 Ess					
from Section 42.9	subsection (b)(5)					
of the Zoning Ordinance to permit: 77 parking spaces where 89 a	***************************************					
of the Zormig Ordinarios to pormit.						
at 85 Milton Road	Map         210         Lot         52         Zone         1					
Facts supporting this request:						
1.) The proposed use would not diminish surrounding property values because: <u>The properties along</u> Milton Road are zoned B-2 so the use is compatible. The parking proposed will more than meet the						
needs of the applicant.	proposed with more than more the					
needs of the approach.	Superior Inspecting					
Granting the variance would be of benefit to the public interest						
recognized in the past, the construction of parking should be lim	ited to what the applicant's needs are					
rather than meeting some arbitrary calculation put forth in the or	dinance.					
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	y zoned: The parking requirements					
bear no reasonable relationship to the actual needs of the applica-	ant.					
4.) Granting the variance would do substantial justice because: _	The owners would be allowed to					
construct parking that will allow for the proper operation of their facility.						
5.) The use is not contrary to the spirit of the ordinance because:	Adequate parking will be provided					
in keeping with other regulations of the City.						
	Million of Theaten for					
·	(As Agent for the Applicant)					
	4/17/13					
	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

April 17, 2013

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

Re: O'Keefe Martin Auctions Partnership - 85 Milton Road - Tax Map 210, Lot 52

Dear Councilor Torr:

On behalf of the above named applicant, we hereby submit plan and applications for two (2) variances from the current zoning ordinance. Specifically, we seek relief to allow 1.) retail sales/auction hall in the R-1 Zone, and 2.) less parking than what is required by the ordinance.

The subject property is comprised of 2.07 acres an lies partially in the B-2 and R-1 zones. Under the proposed Comprehensive Rezoning proposal currently being put forth by the Planning Board, this entire lot is slated to be zoned Highway Commercial.

The applicants are proposing to demolish their existing 4,450 sf. retail store and replace it with a new 7,800 sf. store. Additionally, the owners plan to construct a 6,500 sf., 200-seat auction hall. The company had a very successful auction business in Milton for many years and the owners hope to duplicate that success at this location.

The first variance will be to allow a commercial use in the R-1 Zone. The proposed auction hall will be located beyond the allowable 100-foot encroachment into the more restrictive zone. Given the pending zone change, we feel this variance is justified.

The second variance will be to allow less parking than what is required by the Zoning Ordinance. The ordinance presently requires one (1) space per 200 sf. of retail space plus one (1) space per four (4) seats in the auction hall for a total of eighty-nine (89) spaces required. The Site Plan Review Regulations allow retail parking to be computed at one (1) space per 250 sf. plus one (1) space per four (4) seats in the auction hall for a total of eighty-one (81) spaces. As presently configured, the site plan depicts the creation of seventy-seven (77) spaces so we will also be asking the Planning Board to waive their requirement as well. Keep in mind that four (4) spaces would only reduce the seating in the auction hall by one seat if the waiver was not granted!

The site is serviced by the municipal water system. There is no public sewer available in this area so there will need to be a new septic system installed to handle the estimated sewage flow.

Thank you for your consideration.

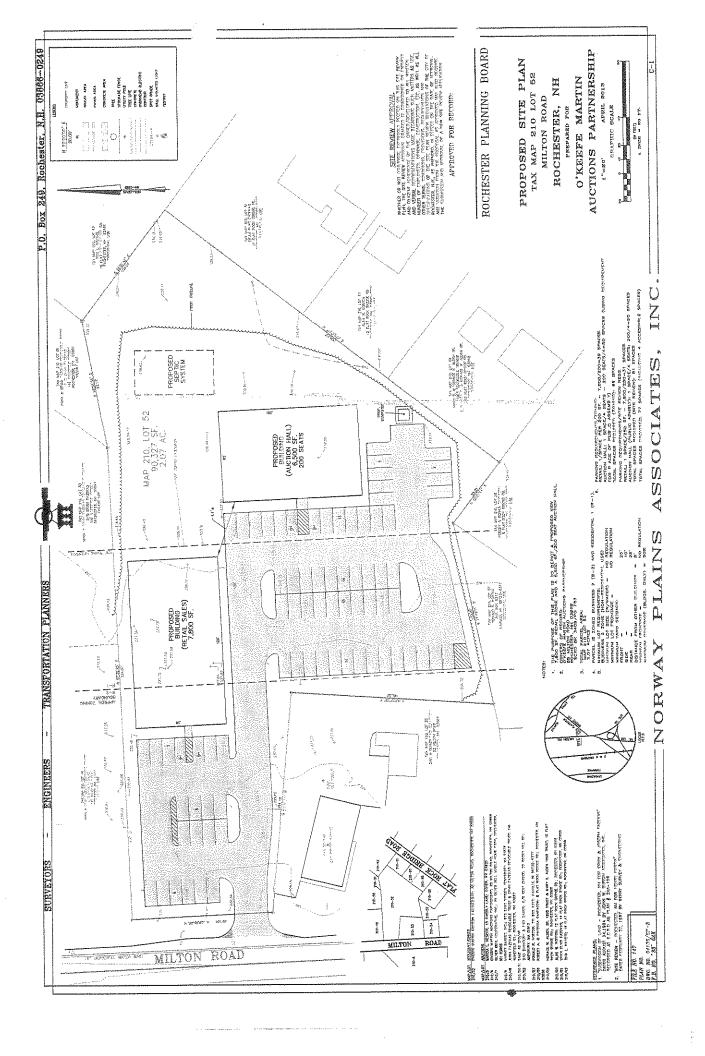
Sincerely,

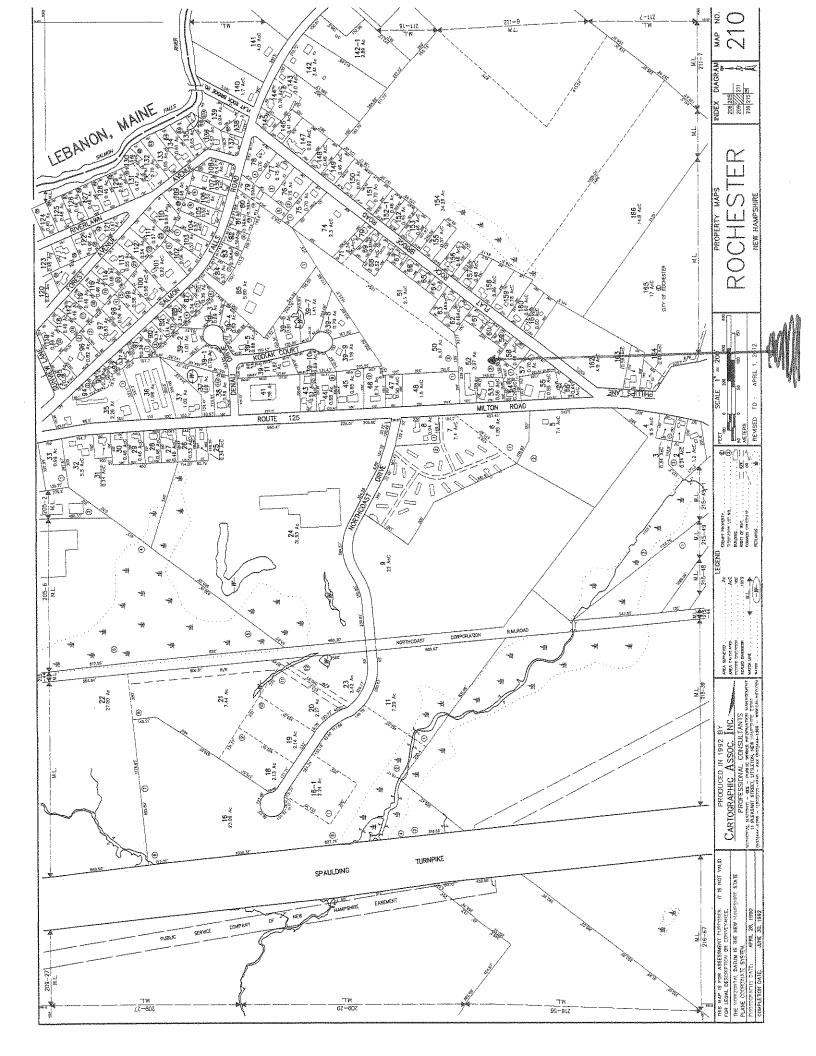
NORWAY PLAINS ASSOCIATES, INC.

By:

Arthur H. Nickless, Jr., PLS, President

cc: O'Keefe Martin Auctions





#### Unofficial Property Record Card - Rochester, NH

#### **General Property Data**

Parcel ID 0210-0052-0000

Prior Parcel ID --

Property Owner OKCEFE MARTIN AUCTIONS

PARTNERSHIP

Mailing Address 88 MILTON RD

City ROCHESTER

Malling State Nil

Zip 03867

ParcelZoning B2

Account Number 27651

Property Location 85 MILTON RD

Property Use RETAIL/SVC

Most Recent Sale Date 6/27/2006

Legal Reference 3489-783

Grantor FORTIN HENRY J TRUST %,

Sale Price 275.000

Land Area 2.079 acres

#### **Current Property Assessment**

Card 1 Value

Building Value 187,300

Yard Items Value 4,700

Land Value 145,700

Total Value 337,700

#### **Bullding Description**

Building Style RETAL

# of Living Units 1

Year Built 1985

Building Grade FAR (+)

Finished Area (SF) 4086

Number Rooms 0

# of 3/4 Baths 0

Foundation Type CONC BLOCK

Frame Type WOOD

Roof Structure GABLE

Roof Cover ASPHALT SH

Siding TEX 111

Interior Walls AVERAGE # of Bedrooms 6

# of 1/2 Baths 1

Flooring Type AVERAGE

Basement Floor N/A
Heating Type FORCED H/A

Heating Fuel OIL

Air Conditioning 196% # of Bent Garages 0

# of Full Baths 0

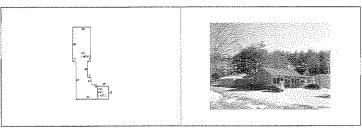
# of Other Fixtures 0

#### Legal Description

#### Narrative Description of Property

This property contains 2.070 acres of land mainly classified as RETAIL/SVC with a(n) RETAIL style building, built about 1985, having TEX 111 exterior and ASPHALT SH roof cover, with 1 unit(s), 0 room(s), 0 bedroom(s), 0 betries), 1 haif bath(s).

#### Property Images



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

## <u>ABUTTER LIST</u>

### City of Rochester, NH Please Print or Type

Applic	:ant: <u>O</u>	Keefe Martin Auctions Partnership	Phone	335-8500	
Projec	t Address	:: 85 Milton Road			
adjoin	s or is dir		ater fror	ng lot owners, list each owner whose lot n the subject property. This form may not be adline.	
		R OF SUBJECT LOT		Mailine Adalas .	
	Lot Zo	)		Mailing Address	
210	52 R1			88 Milton Rd.; Rochester, NH 03868	
ABU7 Map	Lot	T OWNERS Owner Name	Oı	vner Mailing Address (NOT property location)	
210	5	Marcia Nescot	13 Cass	ily Lane; Dover, NH 03820	
210	<u>6</u> 7	Same as applicant Silver Bell Cooperative, Inc.	22 Silvo	r Bell Mobile Home Park; Rochester, NH 03868	
210	48,50,51	Anna & Ervin Fazekas Revocable Trusts		kefield St.; Rochester, NH 03867	
210	53	Ziad Elkhoury & Fadi Daher		Choice; 23 Rocky Hill Rd.; Amesbury, MA 01913	
210	57	Ronald Horton P.O. Box 6377; Kahului, HI 96732-6377			
210	58	Robert A. & Patricia Sanfacon	8 Flat R	ock Bridge Road; Rochester, NH 03868	
210	59	Horace W. Alden, Sr. 1995 Trust & Mary E. Alden 1995 Trust		Rock Bridge Road; Rochester, NH 03868	
210	60	Alan W. Norton		Rock Bridge Road; Rochester, NH 03868	
210	61	Ervin Elvis Fazekas	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	Rock Bridge Road; Rochester, NH 03868	
210	62	Tina Mayote	16 Flat I	Rock Bridge Road; Rochester, NH 03868	
whos	e seal app	pears or will appear on the plans (ot	her than	s, Surveyors, Soil Scientists, and Architects any agent submitting this application); ents; and upstream dam owners/NHDES.	
Name	of Profes	sional or Easement Holder		Mailing Address	
Norway Plains Associates, Inc. P. O. Box 249, Rochester, NH 03866-0249					
form accordance of the Application	and mail or dance with oval. The computer is date:	certified notices to abutters and other that applicable law. I understand that a names and address listed on this for a Patriot Database (located in the ReApril 17, 2013 .This is page	r parties any error <u>m were c</u> venue Bi	_of1 pages.  Staff Verification:	
O:\WPDATA\Rochester Forms\Abutter List updated 100712.doc (effective 7-12-10)					