



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

1d
1p
1/26/45

APR 17 2013

①

DO NOT WRITE IN THIS SPACE
CASE NO. 2013-18
DATE FILED 4-17-13

Phone No. (603) 335-8500

C. Leland
ZONING BOARD CLERK

Name of Applicant O'Keefe Martin Auctions Partnership

Address 88 Milton Road; Rochester, NH 03868

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

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

Location of property 85 Milton Road

Map No. 210 Lot No. 52 Zone B-2/R-1

Description of property 101' 431'/331' 396'
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Auction hall/retail sales

The undersigned hereby requests a variance to the terms of Article 42.14 Table 1 Section B(1) & C(9)
And asks that said terms be waived to permit retail sales/auction hall (place of public assembly) in the
Residential-1 zone.

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 property is
split between the B-2 and R-1 zone but the entire lot is slated to be changed to Highway Commercial as
part of the Comprehensive Rezoning proposal.

Signed Arthur J. Kelly
(As Agent for the Applicant)

CRITERION FOR VARIANCE

CASE # _____
DATE _____

A variance is request by O'Keefe Martin Auctions Partnership
from Section 42.14 Table 1 subsection B(1) & C(9)
of the Zoning Ordinance to permit: retail sales/auction hall (place of public assembly)

at 85 Milton Road Map 210 Lot 52 Zone B2/R 1

Facts supporting this request:

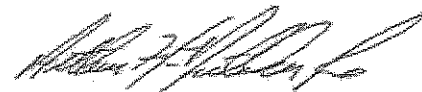
1.) The proposed use would not diminish surrounding property values because: The properties along Milton Road are zoned B-2 so the use is compatible. The building proposed to be placed in the R1 zone will be buffered appropriately from the abutting residential uses located off Flat Rock Bridge Road.

2.) Granting the variance would be of benefit to the public interest because: The Planning Board has identified this lot to be changed in its entirety to the Highway Commercial zone. The owners have been waiting patiently for this change to take place, but given the time that has passed, they would like to move forward with their project.

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: The R-1 portion of this lot can not possibly be used for any sort of residential use given the commercial uses already taking place on the property.

4.) Granting the variance would do substantial justice because: The owners would be allowed to proceed with their project without having to wait until the City Council finally acts on the Comp. Rezoning proposal.

5.) The use is not contrary to the spirit of the ordinance because: The ordinance does allow some encroachment into the R-1 zone (100') so this proposal seeks to increase that encroachment allowance.



(As Agent for the Applicant)

4/17/13

Date



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APPLICATION FOR VARIANCE
TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

APR 17 2013

(2)

DO NOT WRITE IN THIS SPACE

CASE NO. 2013-18

DATE FILED _____

Phone No. (603) 335-8500

ZONING BOARD CLERK

Name of Applicant O'Keefe Martin Auctions Partnership

Address 88 Milton Road; Rochester, NH 03868

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

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

Location of property 85 Milton Road

Map No. 210 Lot No. 52 Zone B-2/R-1

Description of property 101' 431'/331' 396'
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Auction hall/retail sales

The undersigned hereby requests a variance to the terms of Article 42.9 Section (b)(5)

And asks that said terms be waived to permit 77 parking spaces where 89 are required by the ordinance.

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 Site Review
regulations allow for less parking but the requirements in the zoning ordinance cannot be waived by
the Planning Board.

Signed _____

(As Agent for the Applicant)

CRITERION FOR VARIANCE

CASE # _____

DATE _____

A variance is request by O'Keefe Martin Auctions Partnership

from Section 42.9 subsection (b)(5)

of the Zoning Ordinance to permit: 77 parking spaces where 89 are required by the ordinance

at 85 Milton Road Map 210 Lot 52 Zone B2/R 1

Facts supporting this request:

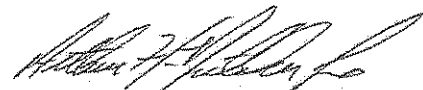
1.) The proposed use would not diminish surrounding property values because: The properties along Milton Road are zoned B-2 so the use is compatible. The parking proposed will more than meet the needs of the applicant.

2.) Granting the variance would be of benefit to the public interest because: As the Board has recognized in the past, the construction of parking should be limited to what the applicant's needs are rather than meeting some arbitrary calculation put forth in the ordinance.

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: The parking requirements bear no reasonable relationship to the actual needs of the applicant.

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.



(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 and 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!

April 17, 2013

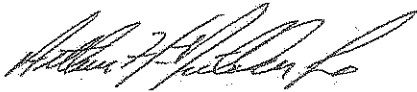
O'Keefe Martin Auctions Partnership

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

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Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID	0210-0052-0000	Account Number	27651
Prior Parcel ID	--	Property Location	85 MILTON RD
Property Owner	OKEEFE MARTIN AUCTIONS PARTNERSHIP	Property Use	RETAILSVC
Mailing Address	88 MILTON RD	Most Recent Sale Date	8/27/2006
City	ROCHESTER	Legal Reference	3409-783
Mailing State	NH	Zip	03607
Parcel Zoning	B2	Grantor	FORTIN HENRY J TRUST %
		Sale Price	275,000
		Land Area	2.070 acres

Current Property Assessment

Card 1 Value	Building Value	187,300	Yard Items Value	4,700	Land Value	145,700	Total Value	337,700
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Building Description

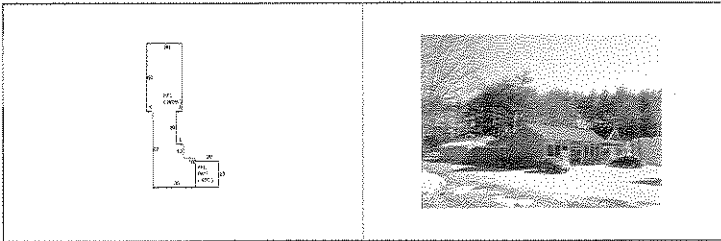
Building Style	RETAIL	Foundation Type	CONC BLOCK	Flooring Type	AVERAGE
# of Living Units	1	Frame Type	WOOD	Basement Floor	N/A
Year Built	1985	Roof Structure	GABLE	Heating Type	FORCED H/A
Building Grade	FAIR (+)	Roof Cover	ASPHALT SH	Heating Fuel	OIL
Building Condition	Average	Siding	TEX 111	Air Conditioning	100%
Finished Area (SF)	4088	Interior Walls	AVERAGE	# of Bemt Garages	0
Number Rooms	0	# of Bedrooms	0	# of Full Baths	0
# of 3/4 Baths	0	# of 1/2 Baths	1	# 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 bath(s), 1 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
Please Print or Type

O:\WPDATA\Rochester Forms\A\butler List updated 100712.doc (effective 7-12-10)