



City of Rochester, New Hampshire
Department of Building Safety
31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-1912

NOTICE OF PUBLIC HEARING

Dear Abutter:

You are hereby notified of a **Public Hearing** to be held at **7:00 p.m.** on **Wednesday, October 9, 2013** in the City Hall Council Chambers concerning the following:

2013-32— Application by John O'Keefe for a variance under Article 42.14, Table 1, (C) (9) of the City's Zoning Ordinance to allow a Function Hall/ Auction Hall in the Industrial 3 zone that is not allowed.

Location: 29 Milton Rd
Map 215 Lot 65 Block 3, Industrial 3 Zone

You are welcome to attend the public hearing and comment on the proposal. Be advised you will be allowed to speak at the meeting, however any paperwork will not be accepted at that time.

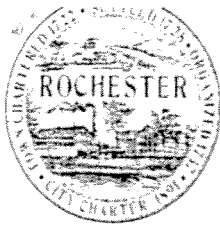
If you are planning to attend the meeting and have paperwork you wish to have reviewed, or if you are *not* planning to attend the meeting, you may comment by letter, fax or email (karen.grenier@rochesternh.net). However, for the Board to consider your comments they MUST be received NO LATER than 12:00 noon on the Monday before the meeting (October 7, 2013).

The project application is available for review by the public in the Department of Building Safety or you can view the entire application on the City's website – www.rochesternh.net. Click on *Boards & Commissions*, then *Zoning Board of Adjustment*, then *Zoning Board Projects*. Look under the map and lot number shown above.

Please feel free to contact this department with any questions or if you have any disability requiring special provisions for your participation.

Office Hours are between 8:00 a.m. to 5:00 p.m. Monday through Friday.


Karen Grenier, Building & Zoning Secretary
cc: file



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

21.36 - 2016
 175.00 - Variance

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

APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT
 CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2013-32

DATE FILED 9-18-13
Karen Hammer
 ZONING BOARD CLERK

Phone No 335-5191

Name of applicant O'KEEFE & MARTIN

Address #88 MILTON ROAD, ROCHESTER, NH 03867

Owner of property concerned SAME
 (If the same as applicant, write "same")

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

Location #29 MILTON ROAD

Map No. 215 Lot No. 65-3 Zone I3

Description of property 1.58 ACRE UNDEVELOPED PARCEL

Proposed use or existing use affected THE APPLICANT PROPOSES TO DEVELOP
 A FUNCTION HALL / AUCTION HALL ON THE SUBJECT PARCEL

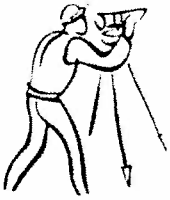
The undersigned hereby requests a variance to the terms of Article 42,
 Section 14 and asked that said terms be waived to permit THE USE OF A
 FUNCTION HALL / AUCTION HALL, CONSIDERED TO BE A PLACE
 OF PUBLIC ASSEMBLY WITHIN THE I3 ZONING DISTRICT

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 X 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)

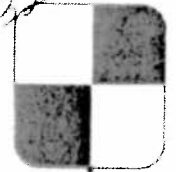
Continue on Page 2



Jason Pohopek Design & Construction, LLC

PO Box 651, Barrington, NH 03825 Phone/Fax: 603 842-2467

Jason B. Pohopek: j46p@yahoo.com



Subject Lot:	Tax Map 215 Lot 65-3
Lot Size:	1.58 acres
Physical Location:	#29 Milton Road
Zoning District:	I3 Industrial
Request:	Use Variance

NARRATIVE

The owner of record and applicant, O'Keefe-Martin Auction Partnership, are formally requesting that the Rochester Zoning Board of Adjustment grant a Use Variance of the Zoning Ordinance to allow the construction of a 6,200 sf Function Hall/Auction Hall on the subject lot, located within the I3 zoning district. The proposed use as a Function Hall/Auction Hall is not specifically defined in the table of uses within the Zoning Ordinance, but after discussion with the planning department, it was determined that the best fit use defined within the table of uses is 'A Place of Public Assembly', which is not a permitted use within the I3 zoning district.

The applicant proposes to operate a business that would consist of the renting of the Function Hall for events and using the hall to conduct auctions. The proposed building will comply with all fire and safety codes and will be designed to accommodate up to 150 people.

If this variance is granted the applicant will submit a Site Review application that would be reviewed by the Rochester Planning Board. The final design will comply with Site Review Regulations and all necessary permits will be sought.





Jason Pohopek Design & Construction, LLC

P.O. Box 651, Barrington, NH 03825 Phone/Fax: 603 842-2467

Jason B. Pohopek: j46p@yahoo.com



CRITERIA FOR VARINACE

Case # 2013-32

Date: 7/18/13

A Variance is requested by O'Keefe-Martin Auctions Partnership from Article 42 Section 14 of the Zoning Ordinance to permit: The development of an Function Hall/Auction Hall on the subject parcel at #29 Milton Road, also identified as Tax Map 215 Lot 65-3, located in the I3 (Industry) zoning district.

Facts supporting this request:

1. **The proposed use would not diminish surrounding property values because:** The proposed use is consistent with the development of the surrounding neighborhood. The applicant proposes to construct a building and its associated infrastructure in a manner similar to the abutting properties located on either side of this subject parcel. The abutting properties currently conduct daily businesses on their perspective lots, in much the same way that the applicant proposes. Being that the proposed use is harmonious with the existing surrounding development negates any possibility that this proposed use would diminishing the values of the surrounding properties.
2. **Granting the variance would not be contrary to the public interest because:** The granting of this variance does not jeopardize the spirit nor intent of the Zoning Ordinance as it relates to this lot located in the Industry Zoning District. A Function Hall/Auction Hall use is not specifically defined in the table of uses within the Zoning Ordinance and therefore needs to be assigned an existing best fit use. After consultation with municipal officials in the Rochester Planning Department, it was determined that an Function Hall/Auction Hall use would be best categorized as 'A Place of Public Assembly', which is not a permitted use within the I3 Zoning District. The nature of a Function Hall/Auction Hall and the arrival and departure of its patrons, were the major factors considered when categorizing this proposed use. However, there are other aspects of a Function Hall/Auction Hall, which if considered individually and categorized by use, would be permitted within the I3 zoning district. It is for these reasons that it is our view that the granting of this variance would not be contrary to 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:** The property is located in the I3 zoning district and if this variance were not granted it would deny the same right and use of this property that is currently being exercised by the abutting properties on a daily basis. If this variance were denied it would result in the unnecessary hardship to the

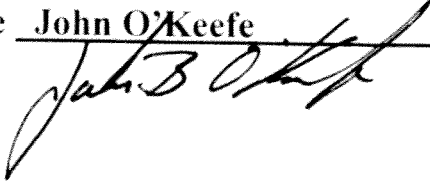


owner based on his inability to use and enjoy his property in a similar manner that abutting properties have been permitted.

4. **Granting the variance would do substantial justice because:** The granting of this variance would do substantial justice in so far as it would allow the owners the same liberties and rights as those that are currently enjoyed by neighboring property owners. In addition, it would allow the owners to develop this property in a way that is consistent with the spirit and intent of the Zoning Ordinance.
5. **The proposed use is not contrary to the spirit of the ordinance because:** The spirit and intent of the ordinance, as it pertains to use in this immediate area, is that of allowing business and commerce. Although the zone is defined as Industry and a Function Hall/Auction Hall is not permitted within this zone, the proposed use it has allowable facets that exist within the Function Hall/Auction Hall business. It is only because the use of an 'Function Hall/Auction Hall' is not specifically defined in the table of uses, that this variance request is needed.

Name John O'Keefe

Date: 18 Sept 2013



TOTAL ASSESSED: 155,900
111440!

1 of 1
CARD
Rochester

0215 0065 0003
MAP BLOCK LOT
LOT2 LOT3

0215 0065 0003
MAP BLOCK LOT
LOT2 LOT3



Patriot
Properties Inc.
USER DEFINED

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Land Value	Land Size	Yard Items	Land Value	Total Value
440	155,900	155,900	1.580		155,900	155,900

Source	Market Adj	Cost	Total Value per SQ unit	Card	Parcel	N/A
Total Card	1.580	155,900	155,900			
Total Parcel	1.580	155,900	155,900			

Tax Yr	Use	Cat	Blg Value	Yrd Items	Land Value	Total Value	Asses'd Value
2013	440	FV		0	155,900	155,900	155,900
2012	440	FV		0	155,900	155,900	155,900
2011	440	FV		0	155,900	155,900	155,900
2010	440	FV		0	155,900	155,900	155,900
2009	440	FV		0	207,000	207,000	207,000

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Blg Value	Yrd Items	Land Value	Total Value	Asses'd Value
2013	440	FV		0	155,900	155,900	155,900
2012	440	FV		0	155,900	155,900	155,900
2011	440	FV		0	155,900	155,900	155,900
2010	440	FV		0	155,900	155,900	155,900
2009	440	FV		0	207,000	207,000	207,000

BUILDING PERMITS

Date	Number	Descr	Amount	C/O	Last Visit	Fed Code	F. Descr	Comment

Parcel ID	Date	Time	Notes
0215-0065-0003	9/4/2013		
PRINT	9/20/2012		
Date	9/27/2011		
Time	8/26/2010		
LAST REV	9/24/2009		

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes
LOUGH FRANCIS V	4159-237	1	8/22/2013	Valid Land	110000	No	No	4		
THERRIEN NORBER	3132-343	1	1/11/2005	Current Use	150000	No	No	4		

INCOME INFORMATION

Type	Description	Flr	City	Leased Area	Ten	Rent \$	Or Rent	Econ Inc

PROPERTY FACTORS

Item	Code	Descr	%	Item	Code	Descr
Z	13	INDUSTRY 3	100	U	0	SEPTIC
o				t	8	WELL
n				l	4	NONE
Census:				Exempt		
Flood Haz				Topo	1	LEVEL
D	RO	ROCHESTER		Street	1	PAVED
s				Traffic	4	MEDIUM
t						

LAND SECTION

Use Code	LUC	No of Units	Depth / Price/Unit	Unit Type	Land Type	Unit	Base Value	Factor	Value
440	IND DEV LAP	1	0.58	PRIMARY A UNDEVELOP	1.0	0	180,000	850	3013
440	IND DEV LAP	0.58		WASTE AC WASTE	1.0	0	5,000	1,000	3013

ACTIVITY INFORMATION

Date	Result	By	Name
9/17/2013	DEED CHANGE	VK	VERNA
7/10/2013	OWN ADD CHG	RL	RUTH
6/20/2012	OWN ADD CHG	GN	GAYE
1/28/2010	CORRECTION	TM	TOM
6/29/2005	OWN ADD CHG	VW	VIRGINIA
2/2/2005	C U CHANGE	TM	TOM
2/2/2005	DEED CHANGE	VW	VIRGINIA
12/19/2003	OWN ADD CHG	VW	VIRGINIA

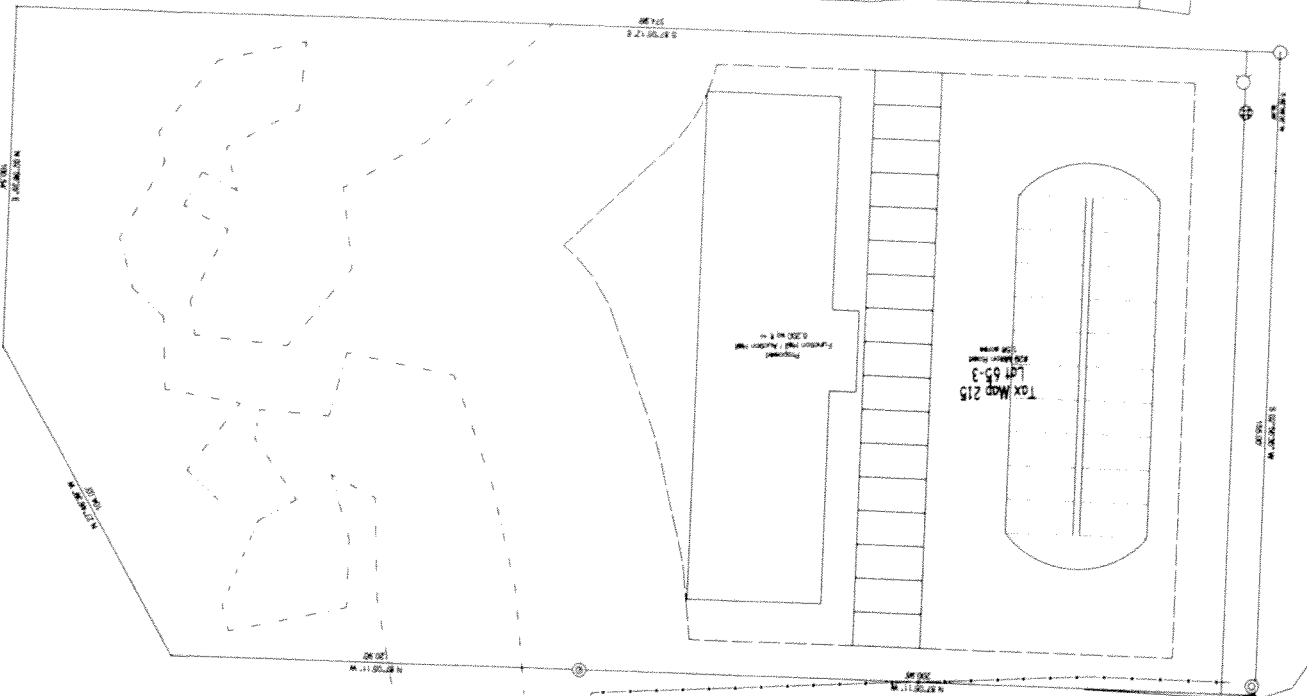
Sign: / /

Total ACRES: 1.58000	Total SF: 68824.80	Parcel LUC: 440	IND DEV LAND	Primary No. Descr: COMMERCIAL
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Total: 155,900	Total: 155,900
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Disclaimer: This Information is believed to be correct but is subject to change and is not warranted.

Milton Road



NOT TO SCALE
FOR INFORMATION ONLY
DO NOT CONSIDER THIS
A PROFESSIONAL
ENGINEERING DRAWING

0 1 2 3 4

OK

203-32