



City of Rochester, New Hampshire

Zoning Board of Adjustment

Special Exception Application Checklist

- ☐ It must be determined that your proposed use is not permitted without a special exception.
- ☐ Complete the application form.
- ☐ Complete the 275.22 Special Exception sheet, addressing the five questions. If the special exception is for a garage, you must also complete the Garage Setbacks sheet.
- ☐ A narrative touching the five criteria and explaining what you are requesting a special exception for.
- ☐ If the applicant is not the property owner, he/she must supply a note signed by the property owner stating his/ her knowledge of the application being submitted to the Zoning Board of Adjustment. The property owner will receive a copy of the public hearing notice by certified mail along with the abutters.
- ☐ A sketch including the following:
 - Measurements of the distances from any existing structure to the lot lines. If the proposed structure is not attached to the building you will need the distance between buildings.
 - Dimensions of the lot. A certified plot plan of your property is required by the Zoning Board. If you do not have a certified plot plan you may request a waiver (see zoning clerk)
 - If for a garage, all appropriate information on proposed garage
- ☐ Photographs, if you have them.
- ☐ Abutter's list. **This information must be obtained from the Zoning Clerk in the Planning & Development Department. The applicant must pay the cost of the certified fee for each abutter, applicant and any other applicable person.** (See Zoning Clerk for current fee)
- ☐ Application fee of \$175.00. Check made payable to City of Rochester, including abutters' fees.
- ☐ One **PDF form** of your application packet is due as well as **ten** paper copies.

All of the above information must be completed and submitted to the Planning & Development Department on or before the deadline date, or the application will be considered incomplete and will be postponed until the next scheduled meeting, or until all the requirements have been met.

NOTE: All applications will be allowed one postponement of the hearing in their application, and shall notify the Planning & Development Department in writing of their intent to postpone hearing at least two days prior to the meeting at which their application is to be considered. If the applicant requests a second postponement of the hearing, the application will be considered to have been withdrawn and the applicant must file a new application with the Board in order to receive a hearing. The provisions of this paragraph shall not apply to any postponement requested by an applicant as a result of the inability of the Zoning Board of Adjustment to provide the applicant with a five-member board for the hearing on the application.

The applicant or their representative MUST attend the Zoning Board of Adjustment meeting to present their case, or no action will be taken.

If you have any questions with any of these requirements, please contact the Zoning Clerk, Crystal Galloway.

Phone: (603)335-1338

E-mail: crystal.galloway@rochesternh.gov



City of Rochester, New Hampshire

Zoning Board of Adjustment

Special Exception Application

**TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER**

DO NOT WRITE IN THIS SPACE

CASE NO. _____

DATE FILED _____

ZONING BOARD CLERK

Applicant: _____

E-mail: _____ Phone: _____

Applicant Address: _____

Property Owner: _____

Property Owner Address: _____

Variance Address: _____

Map Lot and Block No: _____

Description of Property (give length of lot lines): _____

Proposed use or existing use affected: _____

The undersigned hereby requests a special exception as provided in section _____ of the Zoning Ordinance to permit _____.

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 Special Exception.

Signed: _____ Date: _____



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275.22 Special Exception Sheet

(a) General Provisions

- (1) Certain uses, structures, or conditions are designed as Special Exceptions (E) in this ordinance. Upon application, the Board of Adjustment may, subject to the appropriate conditions and safeguards, grant a permit for these special exceptions and no others.
- (2) Special Exceptions, for which conformance to additional standards is required, may be permitted in their respective districts, subject to the satisfaction of the requirements and standards set forth in this section 275.22, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.
- (3) The Board of Adjustment may require that a site plan for development for a proposed special exception be submitted showing the location of all buildings, parking areas, traffic access, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special exception is in harmony with the intent of this ordinance.

(b) Considerations Governing Granting Special Exceptions: In acting upon an application for a special exception, the Board of Adjustment shall take into consideration whether:

- (1) The specific site is an appropriate location for the proposed use or structure. Yes No

Reasoning: _____

- (2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood. Yes No

Reasoning: _____

- (3) There will be undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off street parking. Yes No Reasoning: _____

- (4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Yes No Reasoning: _____

- (5) The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan. Yes No Reasoning: _____

Please check section 275.22 of the Zoning Ordinance for any additional specific conditions that apply to your Special Exception request.



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Garage Setback Sheet

Garage Setbacks: A special exception may be granted to reduce side and/or rear yard setback requirements for garages (only applicable for residential use) in the Agricultural, Residential 1, or Residential 2 zones, subject to all of the following conditions. **(These are in addition to the five general criteria for all Special Exceptions):**

I attest to the Zoning Board of Adjustment that:

1. The lot was not created by a subdivision that occurred after January 1, 1998. _____

2. There is some existing pattern in the area for garage setbacks smaller than those requires, as evidence by: _____

3. Locating the garage in conformance with the side and/or rear yard requirements would significantly impact existing vegetation, views from the residence, use of the yard, or site circulation, or is impractical due to lot dimensions or other constraints because: _____

4. If a new driveway serves the garage, it must be endorsed by the City Engineer, prior to the Public Hearing. *The City Staff will consult the City Engineer prior to the meeting on this criterion.*
5. The proposed garage must be set back at least 10 feet from any existing building location on an adjacent lot. *Please provide a sketch plan showing the proposed garage footprint, and its relation to existing structures.*
6. The proposed garage must be designed to blend with the architectural character of the neighborhood (siding, fenestration, roof pitch, etc.) *Elevation drawings must be submitted to the ZBA, and will be reviewed as part of this application.*
7. The garage cannot exceed 24 feet in either length or width.
8. The garage walls (from foundation) cannot exceed 10 feet in height (the roof may exceed the 10 foot limit).