



City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Application

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2-22-26

DATE FILED 6/27/22

CF
ZONING BOARD CLERK

Applicant:

Ian Louis and Katherine Ann Fogg

E-mail: IFogg34@gmail.com

Phone: (603) 817-4258

Applicant Address: 15 Constitution Way Rochester NH 03867

Property Owner (if different): n/a

Property Owner Address: n/a

Variance Address: 15 Constitution Way Rochester NH 03867

Map Lot and Block No: _____

Description of Property: single family home, corner lot

Proposed use or existing use affected: addition of outside deck

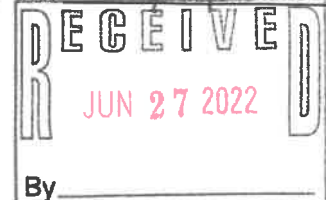
The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section Table 19-A
and asks that said terms be waived to permit Construction of a deck within the
side setback.

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. **I understand that while presenting my case the testimony should be confined to the 5 criteria and how they pertain to my case.**

Signed: _____

[Signature]

Date: 06/26/2022





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Variance Criteria

1) Granting the variance would not be contrary to the public interest because:

Granting this variance would add living space to the exterior of the property as well as adding value to the home.

2) If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance would be observed due to the existing rock feature separating the abutting property.

3) Granting the variance would do substantial justice because:

Granting the variance would do justice because the current owners would be able to better utilize the exterior of the home with a secondary egress and deck.

4.) If the variance were granted, the values of the surrounding properties would not be diminished because:

Adding a secondary egress and outdoor living space would add value to home and surrounding properties.

5.) Unnecessary Hardship:

a. Owing to special **conditions of the property that distinguish it from other properties in the area**, denial of the variance would result in an unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

There is an existing rock feature that separates the outdoor living space from the abutting property. Creating the natural separation.

And:

ii. The proposed use is a reasonable one because:

This would allow the existing homeowners the ability to add a secondary first floor egress and outdoor living space that utilizes property not currently used.

b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

The addition of the deck can only be done in that location due to the existing bulkhead on the road facing side of the home.



City of Rochester, New Hampshire

Zoning Board of Adjustment

Request of waiver of requirement to have a Certified Plot Plan for Case # _____

I request a waiver of the requirement to have a certified plot plan for the following reasons:

- There are no objections from any abutter, and:
- Based on the information provided, the distance into the setback will not create any problems to the abutting property because: there is an existing rock feature
separating the abutting property
- The property is described in its deed as being bounded, on the side for which relief is requested, by a natural feature like a: (stone wall/ row of large trees/roadway, etc.)
the existing rock feature is naturally
occurring and had to be hammered out to build
the abutting property in 2020.
- The request for relief from the setback required is modest enough that the probability of a surveying error large enough to make a material difference is remote. Yes ☒ No ☐
- Information provided is based upon other surveyed parcels in the immediate vicinity and is consistent with the tax map information, so the probability of a surveying error large enough to make a material difference is remote. Yes ☒ No ☐
- The request for relief from the setback required is in a direction where any impact on the abutter is small or nonexistent and, should a large surveying error be found in the future, there is adequate land area to correct the problem through a lot-line adjustment. Yes ☒ No ☐
- Any other applicable information: Abutting property owners:
Kaitlyn & Bronson Lamarcha 59 Constitution Way
Armand Frigen & Erica Brown 17 Constitution Way

Check with the Planning & Development Department to see if it is necessary to fill out this form

ZONING

275 Attachment 6

City of Rochester

Table 19-A Dimensional Standards - Residential Districts
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Residential Districts	Lots			Setbacks				Other			Standards, Notes and References		
	Minimum Lot Area (square feet)	Minimum Frontage (feet)	Minimum Lot Area/Dwelling Unit (square feet)	Minimum Front (feet)	Maximum Front (feet)	Minimum Side (feet)	Minimum Rear (feet)	Maximum Building Footprint	Maximum Lot Coverage	Maximum Number of Stories	Minimum Building Height (feet)	Maximum Building Height (feet)	A "—" means there is no dimensional standard for this item
Residential-1 (R1)													
Single-family	10,000	100	—	10	—	10	20	30%	35%	—	—	35	See Article 19, Dimensional Standards
All other uses	10,000	100	—	10	—	10	20	30%	35%	—	—	35	
Residential-2 (R2)													
Single-family	6,000	60	—	10	—	—	20	30%	35%	—	—	35	See Article 19, Dimensional Standards
Two-family	9,000	80	—	10	—	8	20	30%	45%	—	—	35	See Article 19, Dimensional Standards
Three- and four-family	12,000 and 15,000	80	—	15	—	10	25	30%	60%	—	—	35	See Article 19, Dimensional Standards
Five- or more family	30,000	100	5,000 or 7,500	15	—	10	25	30%	60%	—	—	35	See Article 19, Dimensional Standards
All other uses	9,000	80	—	10	—	8	20	30%	35%	—	—	35	
Neighborhood Mixed Use (NMMU)													
All uses	6,000	60	— ²	—	25	5'	20	—	90%	3	20	20	See Article 19, Dimensional Standards
Agricultural (AG)													
Single-family, conventional subdivision, municipal water and sewer	20,000	150	—	20	—	10	20	30%	35%	—	—	35	See Article 19, Dimensional Standards
Single-family, conventional subdivision, municipal water or sewer	30,000	150	—	20	—	10	20	30%	35%	—	—	35	See Article 19, Dimensional Standards
Single-family, conventional subdivision, neither municipal water nor sewer	45,000	150	—	20	—	10	20	30%	35%	—	—	35	See Article 19, Dimensional Standards
Two-family	150% of single	150	—	20	—	10	20	30%	40%	—	—	—	See Article 19, Dimensional Standards
Single-family dwelling - conservation subdivision	6,000	60	—	20	—	10	20	30%	35%	—	—	35	See Article 33, Conservation Subdivisions
All other uses	45,000	150	5,000 or 7,500	20	—	10	20	—	40%	—	—	35	

NOTES:

Note 1: For lots that adjoin a residential district, the side setback on the side adjoining the residential district shall be the larger of the required side setback in the subject commercial zone or the adjoining residential zone.

Note 2: For lots without both water and sewer, 10,000 square feet of lot area is required per additional dwelling unit beyond one.



15 Constitution Drive

Rochester, NH

1 inch = 22 Feet



www.cai-tech.com

June 27, 2022



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

CURRENT OWNER		UTILITIES		TOPO		ZONING		CURRENT ASSESSMENT				VISION	
FOGG IAN LOUIS DAVIDSON		0 CITY WATER R	0 LEVEL	A AGRICULTURAL		NHBD NAME		Description	LUC Co	Prior Assessed	Current Assesse	ROCHESTER, NH	
FOGG KATHERINE A		0 SEPTIC		NEIGHBORHOOD				BLDG	101	237,900	237,900		
15 CONSTITUTION WAY		0 NONE		1306		GOOD SOUTH MEDIA		LAND	101	47,700	47,700		
		UTL/ST / TRAF		EXEMPTIONS									
		0 CITY WTR PBO	Year	Code	Description								
		0 PAVED											
		0 LIGHT											
ROCHESTER NH 03867-5261													

CONSTRUCTION DETAIL										CONSTRUCTION DETAIL (CONTINUED)									
Element	Cd	Description	Element	Cd	Description	Half Bath Rati	Extra Fixture(s)	Extra Fix Ratin		Element	Cd	Description	Half Bath Rati	Extra Fixture(s)	Extra Fix Ratin				
Model	01	Residential	Model	01	Residential	A	0			Model	01	Residential	A	0					
Style	08	COLONIAL	Style	08	COLONIAL					Style	08	COLONIAL							
Grade	C+	AVG. (+)	Grade	C+	AVG. (+)					Grade	C+	AVG. (+)							
Stories	2		Stories	2						Stories	2								
Units	1		Units	1						Units	1								
Residential Unit	1		Residential Unit	1						Residential Unit	1								
Comm Units	0		Comm Units	0						Comm Units	0								
Exterior Wall 1	04	VINYL	Exterior Wall 1	04	VINYL					Exterior Wall 1	04	VINYL							
Exterior Wall 2			Exterior Wall 2							Exterior Wall 2									
2nd Ext Wall %	0		2nd Ext Wall %	0						2nd Ext Wall %	0								
Roof Structure	01	GABLE	Roof Structure	01	GABLE					Roof Structure	01	GABLE							
Roof Cover	01	ASPH SHINGLE	Roof Cover	01	ASPH SHINGLE					Roof Cover	01	ASPH SHINGLE							
Interior Wall 1	01	DRYWALL	Interior Wall 1	01	DRYWALL					Interior Wall 1	01	DRYWALL							
Interior Wall 2			Interior Wall 2							Interior Wall 2									
2nd Int Wall %	0		2nd Int Wall %	0						2nd Int Wall %	0								
Interior Floor 1	08	AVERAGE	Interior Floor 1	08	AVERAGE					Interior Floor 1	08	AVERAGE							
Interior Floor 2			Interior Floor 2							Interior Floor 2									
Basement Floor	12	CONCRETE	Basement Floor	12	CONCRETE					Basement Floor	12	CONCRETE							
% Heated	100.00		% Heated	100.00						% Heated	100.00								
Heat Fuel	10	PROPANE	Heat Fuel	10	PROPANE					Heat Fuel	10	PROPANE							
Heat Type	01	FORCED W/A	Heat Type	01	FORCED W/A					Heat Type	01	FORCED W/A							
2nd Heat Type			2nd Heat Type							2nd Heat Type									
2nd % Heated	0.00		2nd % Heated	0.00						2nd % Heated	0.00								
# Heat Systems	1.00		# Heat Systems	1.00						# Heat Systems	1.00								
AC Percent	0.00		AC Percent	0.00						AC Percent	0.00								
Bedrooms	4		Bedrooms	4						Bedrooms	4								
Full Bath(s)	2		Full Bath(s)	2						Full Bath(s)	2								
Bath Rating	A		Bath Rating	A						Bath Rating	A								
3/4 Bath(s)	0		3/4 Bath(s)	0						3/4 Bath(s)	0								
3/4 Bath Rating			3/4 Bath Rating							3/4 Bath Rating									
Half Bath(s)	1		Half Bath(s)	1						Half Bath(s)	1								
Half Bath Rating	A		Half Bath Rating	A						Half Bath Rating	A								
Extra Fixture(s)	0		Extra Fixture(s)	0						Extra Fixture(s)	0								
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)																			
Code	Description	L/B	Qty	Dim 1	Dim 2	Grade	Condition	Yr Blt	% Gd	Unit Price	Grade Adj.	Appr. Value							
BMT	BASEMENT																		
FFL	1ST FLOOR																		
GAR	GARAGE																		
HST	HALF STORY																		
OFF	OPEN PORCH																		
SFL	2ND FLOOR																		
BUILDING SUB-AREA SUMMARY SECTION													BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undepreciated Value													
BMT	BASEMENT	0	864	216	24.39	21,074													
FFL	1ST FLOOR	864	864	864	97.57	84,298													
GAR	GARAGE	0	352	0	29.69	10,451													
HST	HALF STORY	176	352	176	48.78	17,172													
OFF	OPEN PORCH	0	113	0	49.21	5,561													
SFL	2ND FLOOR	864	864	864	97.57	84,298													
Ttl Gross Liv / Lease Area		1,904	3,409	2,120		222,854													

16 30 32

22 22.22 16 13

HST GAR (332 sf)

SFL FFL BMT (864 sf)

OSP (113 sf)

4 7 6 1 17



\$34.24

Owner1	Owner2	BillingAddress	City State Zip
BAILEY CAROL D		12 CONSTITUTION WAY	ROCHESTER, NH 03867
BROWN ERICA S &	FRIGON ARMAND J	17 CONSTITUTION WAY	ROCHESTER, NH 03867-5261
FOGG IAN LOUIS DAVIDSON &	FOGG KATHERINE A	15 CONSTITUTION WAY	ROCHESTER, NH 03867-5261
FOLEY KATELYN	LAMONCHA BRONSON	59 CONSTITUTION WAY	ROCHESTER, NH 03867
MAURO KATHY L &	GILBERT PETER TODD	18 CONSTITUTION WAY	ROCHESTER, NH 03867-5252
CAMIRE GRAHAM D & KRISTIN T		62 CONSTITUTION WAY	ROCHESTER, NH 03867-5252
GARDENAS CHRISTOPHER & MILGEN		28 CONSTITUTION WAY	ROCHESTER, NH 03867-5252
CBDA DEVELOPMENT LLC		1662 ELM ST	MANCHESTER, NH 03101
CBDA DEVELOPMENT LLC		1662 ELM ST	MANCHESTER, NH 03101
RICHARDSON ONE FAMILY TRUST %	RICHARDSON DEBORAH A & PHILIP O	16 CONSTITUTION WAY	ROCHESTER, NH 03867-5252

