



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. Z-22-30

DATE FILED 8/18/22

C91
ZONING BOARD CLERK

Applicant:
Jacob Moody

E-mail: blck.danellc@gmail.com Phone: 603-973-5154

Applicant Address: 848 Portland st

Property Owner (if different): same

Property Owner Address: same

Variance Address: 101 Winter st

Map Lot and Block No: map 120 lot 147

Description of Property: white duplex with Xlarge garage

Proposed use or existing use affected: covert from duplex to 3 unit, owner occupied, multifamily

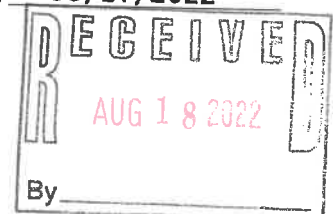
The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section 19a

and asks that said terms be waived to permit 3 unit, owner occupied, multifamily

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: 

Date: 08/17/2022





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Variance Criteria

1) Granting the variance would not be contrary to the public interest because:
More tax revenue for the town.

increase property values after remodel as well as building no longer being an eye sore.
Does not change existing footprint of property.

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

The building will still be a residential building and will not be changing the footprint of the existing building.

3) Granting the variance would do substantial justice because:

it will allow the owners to live on the property to keep up with maintenance and insure tenants are respectful and responsible.

4.) If the variance were granted, the values of the surrounding properties would not be diminished because:
Building is not changing in foot print and will be improving the structure.

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:

building across the street is a 4 unit apartment building on a smaller lot.

My building is only .2 sqft per unit away from the density standard

And:

ii. The proposed use is a reasonable one because:

It will not change the footprint of the structure and there is enough parking for more than 6 vehicles.

Most of the street is zoned R2 with the building across the street being a 4 unit apartment building on a smaller lot.

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.

It would be a hardship as the property across the street is on a smaller parcel of land and has 4 units in the building. Allowing this will allow us to maintain and manage our property better.



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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: _____
not changing footprint . _____

- 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.) _____
n/a. not changing footprint _____

- 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: _____

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)]

	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 Districts													
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		8	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 (NMTU)													
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.



101 Winter Street

Rochester, NH

1 inch = 40 Feet



www.cai-tech.com

August 19, 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.

Land Use 1020
Print Date 11/5/2021 2:10:58 PM

Total Car Units	U.32	AC
Disclaimer: This information is believed to be correct but is subject to change and is not warranted.		

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd	Description	Element	Cd	Description		
Model	03	Multi-Family	Half Bath Rati	1			
Style	20M	DUPLEX	Extra Fixture(s)	A			
Grade	C-	AVG. (-)	Extra Fix Ratin				
Stories	2		CONDO DATA				
Units	2		Condo Main		Complex #		
Residential Unit	2		Adjust Type		Building #		
Comm Units	0		Condo Floor		Section #		
Exterior Wall 1	04	VINYL	Condo Location		% Owner		
Exterior Wall 2	0		COST / MARKET VALUATION				
2nd Ext Wall %	0		Building Value New			214,900	
Roof Structure	01	GABLE	Year Built			1800	
Interior Wall 1	06	ASPH SHINGLE	Depreciation Code			VP	
Interior Wall 2	0	AVERAGE	Remodel Rating			70	
2nd Int Wall %	08	CONCRETE	Year Remodeled			70	
Interior Floor 1	12	OIL	Depreciation %			1,000	
Interior Floor 2	28.00	FORCED H/W	Functional Obsol			30	
Basement Floor	01		Economic Obsol			19,300	
% Heated	08		Trend Factor				
Heat Fuel	03		Special Adj				
Heat Type	0.00		Condition %				
2nd Heat Type	1.00		Percent Good				
2nd % Heated	0.00		RCNLD				
# Heat Systems	2		Dep % Ovr				
AC Percent	A		Misc Imp Ovr				
Bedrooms	0		Misc Imp Ovr Comment				
Full Bath(s)	0		Cost to Cure Ovr				
Bath Rating	1		Cost to Cure Ovr Comment				
3/4 Bath(s)							
Half Bath(s)							
Half Bath Ratin							
Extra Fixture(s)							

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Qty	Dim 1	Dim 2	Grade	Condition	Yr Blt	% Gd
04	GARAGE FR	L	1	60	32	D	PR	1901	35
01	SHED FRAME	L	1	11	92	D	PR	1901	35
01	SHED FRAME	L	1	14	25	D	PR	1901	35
BUILDING SUB-AREA SUMMARY SECTION									
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undepreciated Value			
BMT	BASEMENT	0	1,336	334	24.68	32,969			
FFL	1ST FLOOR	1,928	1,928	1,928	98.71	190,311			
HST	HALF STORY	330	660	330	49.35	32,574			
SFL	2ND FLOOR	660	660	660	98.71	65,148			
STP	STOOP	0	24	0	14.71	353			
UNFIN	UNFINISHED AREA ADJ	-1,351	-1,351	-1,351	0	-133,356			
WDK	WOOD DECK	0	88	0	20.93	1,842			
Ttl Gross Liv / Lease Area		1,567	3,345	1,901		189,841			

