

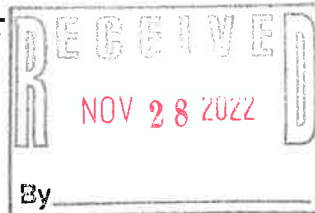


# City of Rochester, New Hampshire

## Zoning Board of Adjustment

### Variance Application

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER



DO NOT WRITE IN THIS SPACE

CASE NO. 2-23-01

DATE FILED 11/28/22

CJ  
ZONING BOARD CLERK

Applicant:

GREGORY JEANSON

E-mail: gregory.jeanson@gmail.com

Phone: 603.803.0911

Applicant Address: 173 OLD DOVER ROAD, ROCHESTER, NH 03867

Property Owner (if different): N/A

Property Owner Address: N/A

Variance Address: 173 OLD DOVER ROAD, ROCHESTER, NH 03867

Map Lot and Block No: 0253-0090-0000

Description of Property: SINGLE FAMILY RESIDENCE WITH ATTACHED GARAGE/WORSHOP

Proposed use or existing use affected: SALES AND SERVICE TO HOMEOWNER POWER EQUIPMENT

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section Table 18-B

and asks that said terms be waived to permit SALES AND SERVICE TO HOMEOWNER POWER EQUIPMENT

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.**

**Gregory W. Jeanson**

Signed:

Digitally signed by Gregory W. Jeanson  
DN: cn=US, ou=Maintenance, o=ABC, cn=Gregory W. Jeanson, email=gregory.jeanson@albin.com  
Reason: I have reviewed this document  
Location: your signing location here  
Date: 2022.11.21 16:27:08-05'00'  
Form PDF Reader Version: 11.0.1

Date: 21 NOV 2022



# City of Rochester, New Hampshire

## Zoning Board of Adjustment

### Variance Application Checklist

- ☐ Completed application form
- ☐ Completed "Criteria for a Variance" sheet, addressing the five items set forth by the New Hampshire Supreme Court governing the granting of Variances.
- ☐ A narrative touching on the five criteria and explaining what you are requesting a variance 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:
  - o 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.
  - o Dimensions of the lot. (If the variance is requesting relief from a setback regulation – The Zoning Board of Adjustment requires a certified plot plan of the property, if that is not available, you can ask for a waiver)
- ☐ Photographs, if you have them.
- ☐ Abutters list. **This information must be obtained from the Planning & Development Department. The applicant must pay the cost of the certified fee for each abutter, applicant and any other applicable person on the abutter list, including applicant.** (See Zoning Clerk for current fee)
- ☐ If there are wetlands on the parcel, refer to the City's Ordinance Chapter 275.12.3 for wetland buffers of 50' and 75'.
- ☐ Prior to applying for a variance regarding wetlands, the applicant must receive all necessary State permits.
- ☐ Application fee (\$175.00). Check is 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.net](mailto:crystal.galloway@rochesternh.net)



# City of Rochester, New Hampshire

## Zoning Board of Adjustment

### Variance Criteria

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

THERE IS NO EXCESSIVE NOISE, TRAFFIC DISTURBANCE, DISTURBANCE OF THE PEACE,  
NO ENVIRONMENTAL EMISSIONS OR DISCHARGE

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

THE PROPERTY REMAINS A SINGLE FAMILY RESIDENCE  
USED TO ITS FULL POTENTIAL WITHOUT ANY NEGATIVE IMPACT TO THE NEIGHBORHOOD

3) Granting the variance would do substantial justice because:

IT ALLOWS ME TO CONTINUE MY HOBBY AND  
MENTAL/PHYSICAL THERAPY FOR MY MEDICAL CONDITION

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

ALL CHANGES TO PUBLIC VIEW ARE TEMPORARY AS ITEMS COME AND GO AND DO NOT LINGER  
THERE ARE NO PERMANENT CHANGES TO PROPERTY AND ANY USES RELATED TO THIS APPROVAL ARE REVERSIBLE  
RECENT AND CURRENT PROPERTY VALUES AND SALES HAVE ONLY INCREASED IN VALUE

5.) Unnecessary Hardship:

a. Owning 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:

IT DOES NOT HARM THE NEIGHBORHOOD AND ALLOWS A SERVICE TO SUPPORT RESIDENTS OF SAME

And:

ii. The proposed use is a reasonable one because:

IT SUPERSEDES A PREVIOUS HOME OCCUPATIONAL APPROVAL FOR AUTOMOBILE SERVICES

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.

THERE ARE OTHER HOME OCCUPATIONS SCATTERED THROUGHOUT R1 ZONING THAT HAVE BEEN  
APPROVED WITH MORE IMPACT ON THEIR RESPECTIVE NEIGHBORHOODS

INCLUDING THE NEED FOR ADDED STRUCTURES AND/OR PARKING



# 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: \_\_\_\_\_

THIS REQUEST ONLY APPLIES TO EXISTING ROAD FRONTAGE

\_\_\_\_\_

\_\_\_\_\_

- 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.

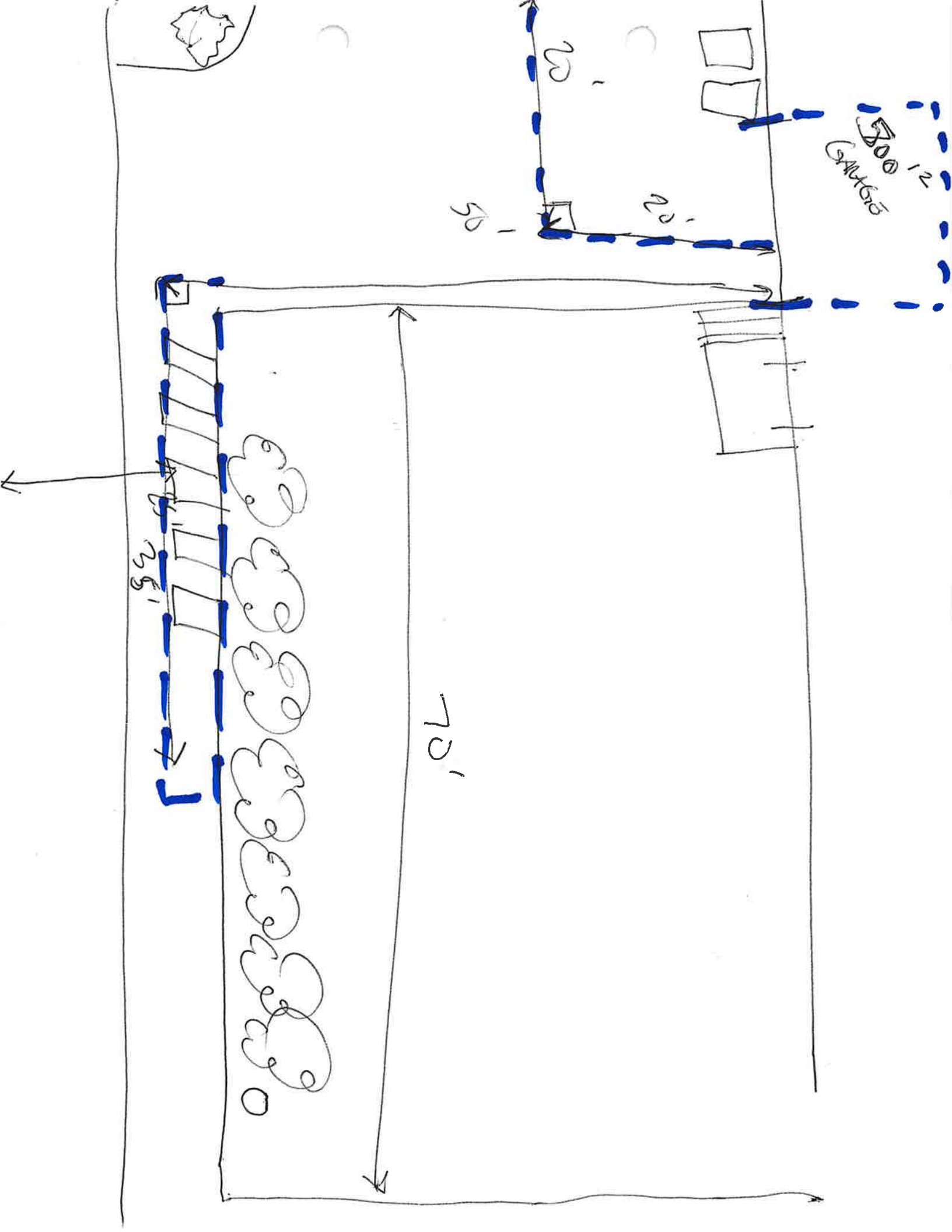
IRON PIPE TO IRON PIPE

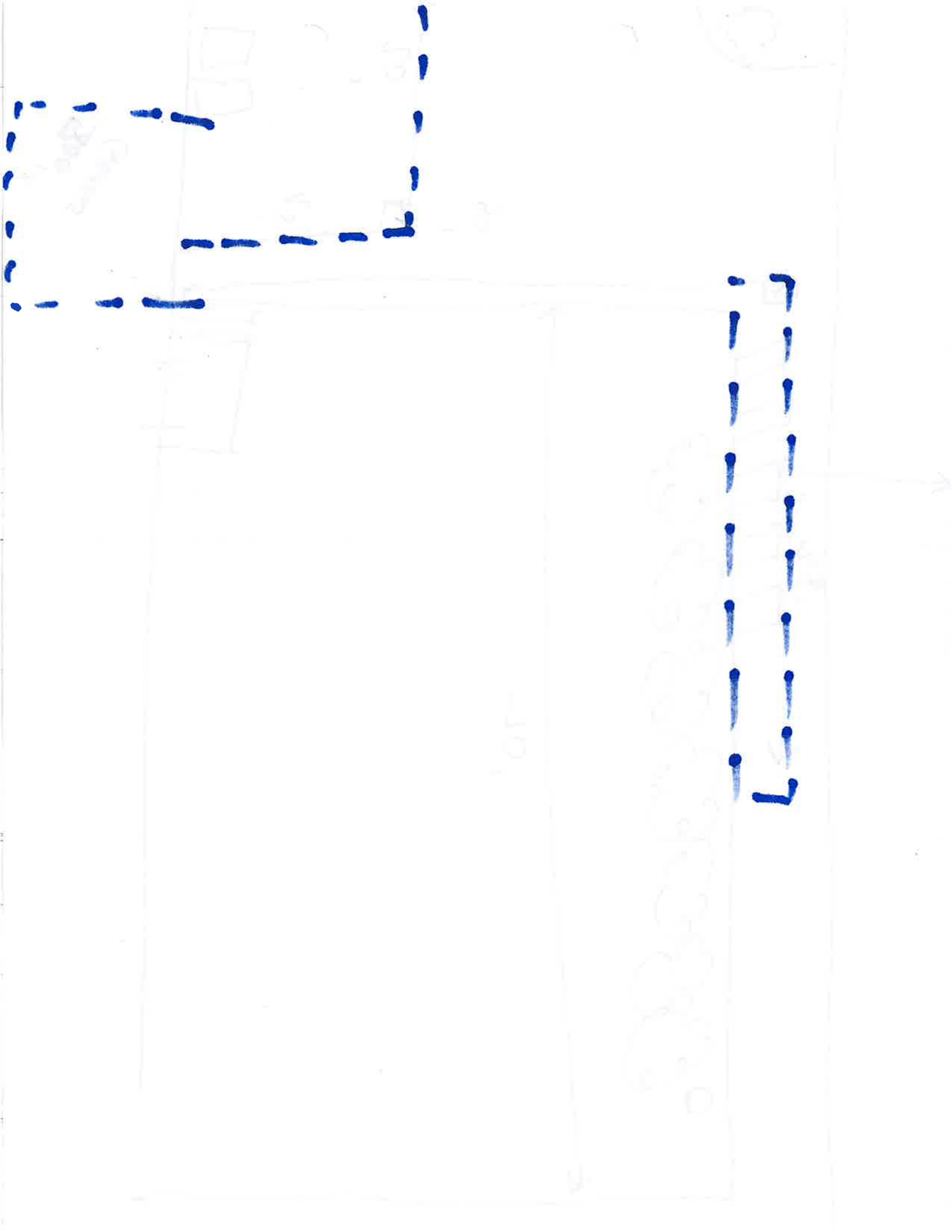
\_\_\_\_\_

\_\_\_\_\_

- 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 1

### City of Rochester

**Table 18-A Residential Uses**  
[Amended 4-4-2017; 3-5-2019; 5-7-2019]

#### LEGEND

P = Permitted Use

C = Conditional Use

E = Use Allowed by Special Exception

Residential Uses	Residential Districts				Commercial Districts			Industrial Districts		Special		Criteria/Conditions Reference
	R1	R2	AG	NMU	DC	OC	HC	GI	RI	HS	AS	
Apartment, accessory (accessory use)	E	P	P	P	P	P	P	—	—	E	—	Article 21 and 23
Apartment, in-law	P	P	P	P	P	P	P	—	—	—	—	
Apartment, security	—	P	—	P	P	P	P	P	P	P	P	Articles 2 and 23
Assisted living facility	—	C	C	C	C	C	C	—	—	C	—	Article 21
Boardinghouse	—	—	—	—	E	—	—	—	—	—	—	
Community residence-1	—	E	E	—	E	E	E	—	E	E	—	Article 22
Community residence-2	—	—	E	—	—	E	—	—	E	E	—	Article 22
Conservation subdivision	C	C	C	—	—	C	C	—	—	—	—	Articles 21 and 33
Dwelling, apartments (apartment/mixed-use building)	—	—	—	P	P	C	P	—	—	—	—	Article 21
Dwelling, multifamily development	—	P	—	—	P	—	P	—	—	—	—	Articles 20 and 22
Dwelling, multifamily	—	P	—	—	P	—	P	—	—	—	—	
Dwelling, single-family	P	P	P	P	—	P	P	—	—	P	—	
Dwelling, two-family	—	P	P	P	C	P	P	—	—	—	—	Articles 21 and 33
Flag lots	—	C	C	—	—	—	—	—	—	C	—	Article 21
Home occupation-1 (accessory use)	P	P	P	P	P	P	P	—	—	P	—	Article 24
Home occupation-2 (accessory use)	P	P	P	P	P	P	P	—	—	P	—	Articles 22 and 24

# ROCHESTER CODE

Residential Uses	Residential Districts					Commercial Districts			Industrial Districts		Special		Criteria/Conditions
	R1	R2	AG	NMU	DC	OC	HC	GI	RI	HS	AS	Reference	
Home occupation-3 (accessory use)	—	E	E	P	P	P	P	—	—	E	—	Articles 22 and 24	
Manufactured housing unit on own lot	—	—	P	—	—	—	—	—	—	—	—	Articles 20 and 21	
Nursing home	—	—	C	—	—	C	—	—	—	P	—	Articles 20 and 21	
Outdoor wood-fired hydronic heater	—	—	P	—	—	—	—	—	—	—	—	Article 20	
Porkchop subdivision	—	—	C	—	—	—	—	—	—	—	—	Article 21	
Residential facility	—	—	E	—	—	E	—	—	E	E	—	Article 22	
Senior housing	—	P	C	C	C	C	—	—	—	—	—	Article 21	
Temporary structure	P	P	P	P	P	P	P	P	P	P	P	Article 20	
Zero lot line development	C	C	C	—	—	C	C	—	—	—	—	Article 33	



#### 275-24.4**Home occupation-3.**

A home occupation-3 is an office, personal services, processing, or small-scale craft-production type home occupation which is more intensive than home occupations-1 and -2. All of the following standards apply:

A. Employees. There shall be no more than two employees working on site other than family or household members who reside with the operator.

B. Area. There shall be no more than 1,000 square feet of area used for the business.

C. Signage. There may be only one sign for the business visible from the street. The sign shall be nonilluminated and shall not exceed four square feet in area per side.

D. Barn sales. If there is a barn on the property which was built prior to 1960 it may be used for retail sales (but not for the sales of any vehicles). The ZBA shall approve the type of items offered for sale as part of a special exception review to ensure there is no adverse impact upon the neighborhood.

E. Classes. Instruction in classes shall be limited to eight pupils at one time.

#### § 275-24.5**Review process without special exception.**

A home occupation-2 or a home occupation-3 where no special exception is required shall be subject to the minor site plan review process as set forth in the Rochester Site Plan Regulations.

#### § 275-24.6**Review process with special exception.**

The review process for a home occupation-2 or a home occupation-3 where a special exception is involved requires the submission of a special exception application to the Zoning Board of Adjustment, ZBA approval, and then minor site plan review approval as set forth in the Rochester Site Plan Regulations.

#### § 275-24.7**Prohibited home occupations.**

The following occupations/activities shall not be considered home occupations:

A. Bed-and-breakfast.

B. Contractor's storage yard.

C. Funeral home.

D. Kennels or stables, commercial.

E. Nursing home.

F. Any vehicle or other heavy equipment repair.

G. Restaurant.

H. Retail sales operation (except as noted above).

I. Veterinary clinic.

J. Commercial yard sales (except for barn sales as noted above).

# ZONING

## 275 Attachment 2

### City of Rochester

**Table 18-B Sales-Service-Office-Institutional Uses**  
[Amended 9-4-2018; 4-7-2020]

#### LEGEND

P = Permitted Use  
C = Conditional Use  
E = Use Allowed by Special Exception

Sales-Service-Office-Institutional Uses	Residential Districts				Commercial Districts				Industrial Districts			Special		Criteria/Conditions Reference
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS		
Adult day-care center	—	—	E	E	P	P	—	P	E	—	P	—	Article 22	
Adult day-care home	—	E	E	E	P	P	—	P	—	—	P	—	Article 22	
Adult-oriented establishment	—	—	—	—	—	—	—	—	—	C	—	—	Article 22	
Agricultural building, reuse of existing	C	C	—	C	—	P	—	—	—	—	—	—	Article 22	
Antique shop	—	C	P	—	P	P	P	P	—	—	—	—	Article 21	
Artist studio	—	C	P	—	P	P	—	P	—	—	—	—	Article 21	
Bank	—	—	C	—	P	P	P	P	—	—	—	—	Article 21	
Convenience store	—	C	P	—	P	E	P	P	—	—	—	—	Article 21	
Day care-1 (day-care residence)	P	P	P	P	P	P	—	P	—	—	P	—		
Day care-2 (day care - family)	—	E	P	E	P	P	—	P	—	—	P	—	Articles 20 and 21	
Day care-3 (day-care center)	—	—	E	E	P	P	—	P	E	—	E	—	Article 22	
Florist	—	—	P	—	P	—	P	P	—	—	—	—		
Funeral home	—	—	C	—	P	P	—	P	—	—	P	—		
Gas station	—	—	—	—	—	—	P	P	—	—	—	—	Articles 20 and 21	
Grocery store	—	—	—	—	P	—	P	P	—	—	—	—		
Hospital	—	—	—	—	P	—	P	P	—	—	—	—		
House of worship	—	C	C	C	P	P	—	P	—	—	P	—	Article 21	
Housing unit sales	—	—	—	—	—	—	—	P	P	—	—	—		
Laundry establishment-1	—	C	P	—	P	—	—	P	—	—	—	—	Article 21	

# ROCHESTER CODE

Sales-Service-Office- Institutional Uses	Residential Districts				Commercial Districts				Industrial Districts		Special		Criteria/Conditions Reference
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS	
Laundry establishment-2	—	—	P	—	P	—	—	P	—	—	—	—	Article 21
Library	—	C	P	C	P	P	—	P	—	—	—	—	
Marina	—	—	—	—	—	—	—	P	—	—	—	—	
Museum	—	C	P	C	P	P	P	P	—	—	—	—	Article 21
Office	—	—	P	—	P	P	P	P	P	P	—	—	
Office, medical	—	—	C	—	P	P	P	P	C	—	P	P	Article 21
Office, professional	—	—	P	—	P	P	P	P	P	—	—	—	
Personal service establishment	—	—	P	—	P	P	P	P	—	—	—	—	
Retail sales (under 5,000 square feet)	—	—	P	—	P	E	P	P	—	—	—	—	
Retail sales (5,000 to 30,000 square feet)	—	—	—	—	P	—	P	P	—	—	—	—	
Retail sales (over 30,000 square feet)	—	—	—	—	—	—	P	P	—	—	—	—	
Retail service	—	—	C		P	P	P	P	—	—	—	—	Article 21
School, K-12	C	C	C	C	C	P	—	C	—	—	—	—	Article 21
School, other	—	C	C	C	P	P	—	P	C	—	—	—	Article 21
Secondhand shop	—	C	P	—	P	P	—	P	—	—	—	—	Article 21
Service establishment	—	—	C	—	C	—	P	C	P	—	—	—	Article 21
Shelter	—	—	—	—	E	E	—	P	E	E	E	—	
Small wind energy systems	P	P	P	P	P	P	P	P	P	P	P	P	Article 20
Temporary use shelter	—	—	—	—	E	E	—	P	E	E	E	—	
Vehicle sales, new	—	—	C	—	—	—	P	P	—	—	—	—	Articles 20 and 21
Vehicles sales, used	—	—	C	—	—	—	P	P	—	—	—	—	Article 20
Vehicle service	—	—	—	—	—	—	P	P	P	—	—	—	
Yard sale, commercial	—	—		—	—	—	—	C	—	—	—	—	Articles 20 and 22

## § 275-20.2 **Conditions for particular uses.**

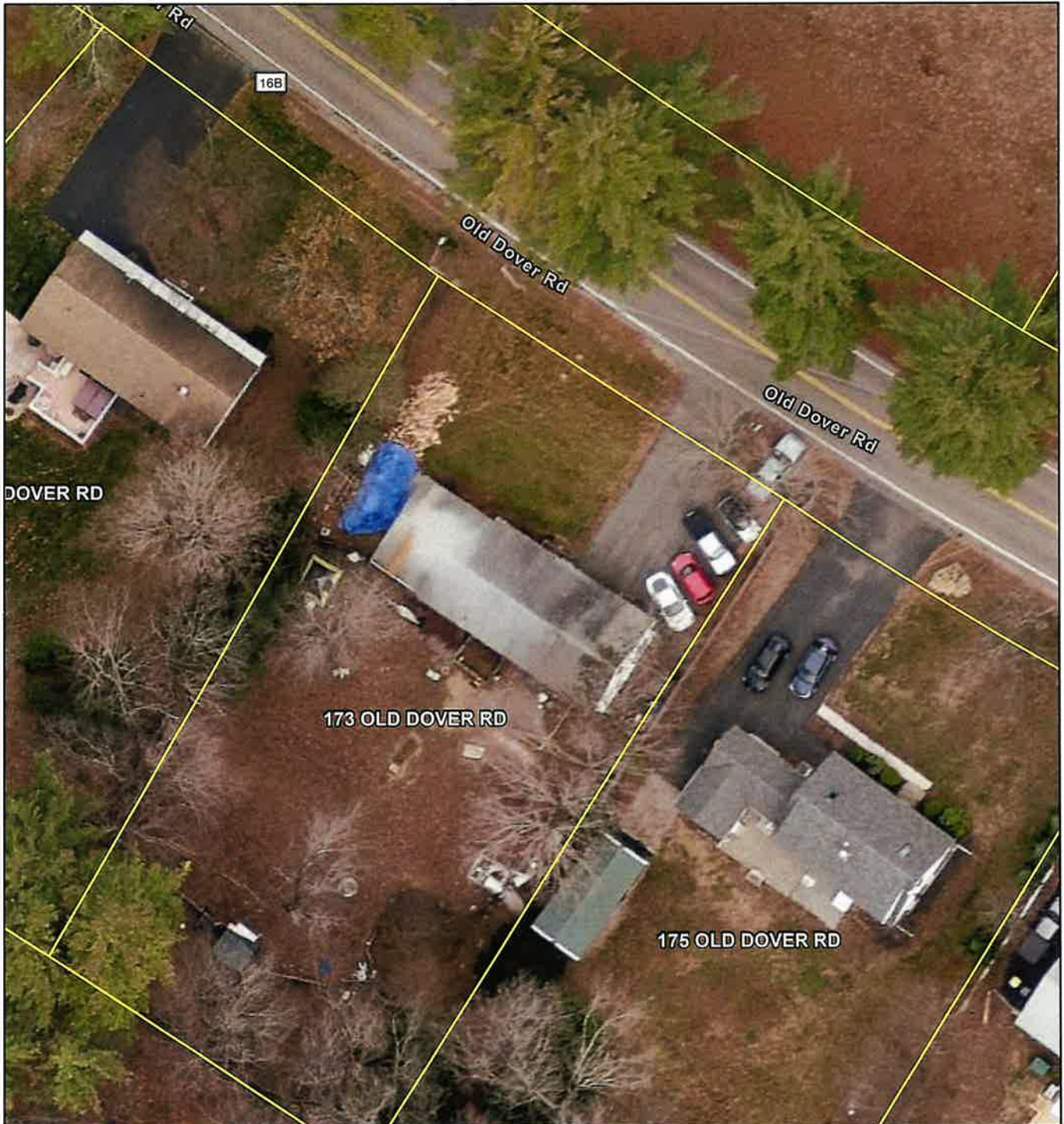
For each individual use listed below, all of the specific conditions attached to that use must be met along with any other requirements of this chapter.

### **V.** Yard sale, commercial.

**(1)** A secondhand dealer license must be obtained from the City Council.<sup>(a)</sup>**(2)** *Editor's Note: See Ch. **110**, Junk and Secondhand Dealers.*

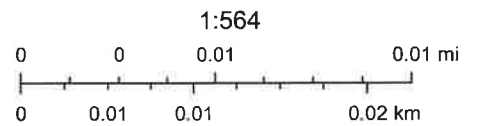
**(2)** Items may be displayed outside on the lawn or driveway or in a garage or other structure. The items must be displayed neatly and may not be left outdoors overnight.

# 173 Old Dover Road



12/1/2022, 3:20:35 PM

 Tax Parcels  
Parcel Info



Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS, Esri Community Maps Contributors, Rochester GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



Property Location 173 OLD DOVER RD  
 Vision ID 9891  
**Parcel ID 0253/ 0090/ 0000/ /**  
 Card # 1 of 1 Account # 9891  
 Sec # 1 of 1 Bldg # 1  
 Land Use 1010  
 Print Date 11/8/2021 5:33:36 PM

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CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)								
Element	Cd	Description	Element	Cd	Description							
Model	01	Residential	Half Bath Rati									
Style	01	RANCH	Extra Fixture(s)	0								
Grade	C	AVERAGE	Extra Fix Ratin									
Stories	1											
Units	1											
Residential Unit	1											
Comm Units	0		Condo Main									
Exterior Wall 1	27	ALUM/VINYL	Adjust Type									
Exterior Wall 2	08	BRICK VENR	Condo Floor									
2nd Ext Wall %	3		Condo Location									
Roof Structure	01	GABLE	CONDO DATA									
Roof Cover	01	ASPH SHINGLE										
Interior Wall 1	01	DRYWALL										
Interior Wall 2	01											
2nd Int Wall %	0	AVERAGE										
Interior Floor 1	08	CONCRETE										
Interior Floor 2	12											
Basement Floor	93.00											
% Heated	01	OIL										
Heat Fuel	03	FORCED H/W										
Heat Type												
2nd Heat Type												
2nd % Heated	0.00											
# Heat Systems	1.00											
AC Percent	0.00											
Bedrooms	2											
Full Bath(s)	1											
Bath Rating	A											
3/4 Bath(s)	0											
3/4 Bath Rating	0											
Half Bath(s)	0											
Half Bath Rating	0											
Extra Fixture(s)	0											
OB - OUTBUILDING & YARD ITEMS(L)/XF - BUILDING EXTRA FEATURES(B)				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