



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-22-35

DATE FILED

ZONING BOARD CLERK

Applicant:

Nelson Lee

E-mail: north434@yahoo.com

Phone: 603-205-4616

Applicant Address: 43 Summer St. Rochester, NH 03867

Property Owner (if different):

Property Owner Address:

Variance Address: 43 Summer St. Rochester, NH 03867

Map Lot and Block No: Map 117 Lot 75

Description of Property: Single Family

Proposed use or existing use affected: Two-Family

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section 49.1 19.2.F(1)

and asks that said terms be waived to permit allow two family on the lot that does not meet density requirement.

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:

Lee

Date:

10/26/2022



City of Rochester, New Hampshire

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Variance Criteria

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

It does not unduly violate the basic objectives of the zoning ordinance. It does not alter the essential character of the neighborhood.
It does not threaten the public health, safety or welfare.

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

It does not alter traffic, light, air, and aesthetics of neighborhood.
It would not injure the public or private rights of others

3) Granting the variance would do substantial justice because:

It would not have adverse impact on an individual neighbor.
It does not cause harm to the general public that outweighs the benefit to the property owner.

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

There is no changing on the property. It would not affect the values of the 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:

Duplex was allowed when the property was built. Today duplex is not allowed to be built in the block lot.

And:

ii. The proposed use is a reasonable one because:

The property has existed for a long time. There is no change to the property. It would not alter the essential character of the community.

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 property can not be developed in any manner if a variance to the lot size requirement is not granted. This would impose a significant hardship on the applicant.



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: _____

The property is within its property line, and does not affect any 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 deed addresses the property character

- 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: The property which being bounded has already been in its deed. Nothing has been

changed. No changing to

the abutting property at all.

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

To: Board of Adjustment
City of Rochester

Dear officer,

It has come to my attention that the house located at 43 Summer Street in Rochester, NH that I purchased on June 21st, 2021 is zoned as a single-family house. I had purchased the home without having been informed first that it is a single-family and not a two-family house. It was my assumption that the house was two-family because there are two units.

Would you please consider my request to zone 43 Summer Street as a two-family residence for the following reasons:

1. Upon visiting the property, you'd find a front unit which has been used as a bakery store or residential unit for many years. Many neighbors still remember it served the community.
2. I believe zoning 43 Summer Street as a two-family residence does not unduly violate the basic objectives of the city zoning ordinance.
 - It does not alter the essential character of the neighborhood.
 - It does not threaten the public health, safety or welfare in any way.
 - It does not alter traffic, light, air and aesthetics of the neighborhood.
 - It would not injure the public or private rights of others.
 - It would not have adverse impact on any individual neighbor.
 - It does not cause harm to the general public that outweighs the benefits to the property owner.
 - There are no changes to be made to the property which would affect the values of the surrounding properties.
3. The property cannot be developed in any manner if the variance to the lot size requirement is not granted. This would impose a significant hardship on the applicant.

Thank you very much for your consideration.

Sincerely,
Nelson Lee

§ 275-19.2 Dimensional provisions.

General dimensional regulations and regulations (as well as clarifications, notes, and references) specifically referenced to the tables follow:

A. Building height.

(1) Adjacent to residences. In any zone, required setbacks shall be increased by one foot for each foot buildings exceed 35 feet in height.

(2) Barns. In the AG District barns may exceed the height limit.

(3) Exceptions. Unless subject to FAA requirements, the height limits specified in the tables shall not apply to the following: chimneys, flares, stacks, storage silos, satellite dishes, antennas, elevator shafts, rooftop mechanical equipment, ventilators, skylights, church towers, cupolas, domes, pinnacles, spires, silos, water tanks, and similar elements, provided the combination of the building and element does not exceed 100 feet in height (unless otherwise specifically provided for in this chapter).

B. Building separation. Except within the DC Zone, all buildings or open covered structures situated on the same lot must be separated from one another by a minimum of 10 feet or as regulated by the New Hampshire State Building or Fire Code.

C. Building stories.

(1) Floors below grade. Floors with any portion below grade do not count toward meeting requirements for a minimum number of stories. Any floor with at least 1/3 of the floor to ceiling space situated at or above grade shall count toward the maximum number of stories permitted.

(2) Upper floors. Upper story/attic spaces count toward the minimum required number of stories specified in the dimensional tables if a portion of the floor area of those upper story/attic spaces equal to at least 1/2 the floor plate of the building has a ceiling height of at least seven feet.

D. Corner lots. On corner lots, for the purpose of setbacks, there shall be established a front, a street-side side, a (regular) side, and a rear. The ordinary front setback shall apply to that section of the lot which is deemed the front, as determined by the Director of Building, Zoning, and Licensing Services (based upon the locations of the front entrance, street address, path to the front, and driveway; E911 standards; the prevailing pattern of the other buildings on both blocks; impact upon the streetscapes; and other

appropriate factors). The street-side setback shall apply to that side of the lot facing the other street. The street-side setback shall be the ordinary side setback in that district.

E. Density rings. The density rings are shown on the Official City of Rochester Zoning Map that is adopted as part of this chapter and only apply to multifamily dwellings/developments. The rings are defined as follows:

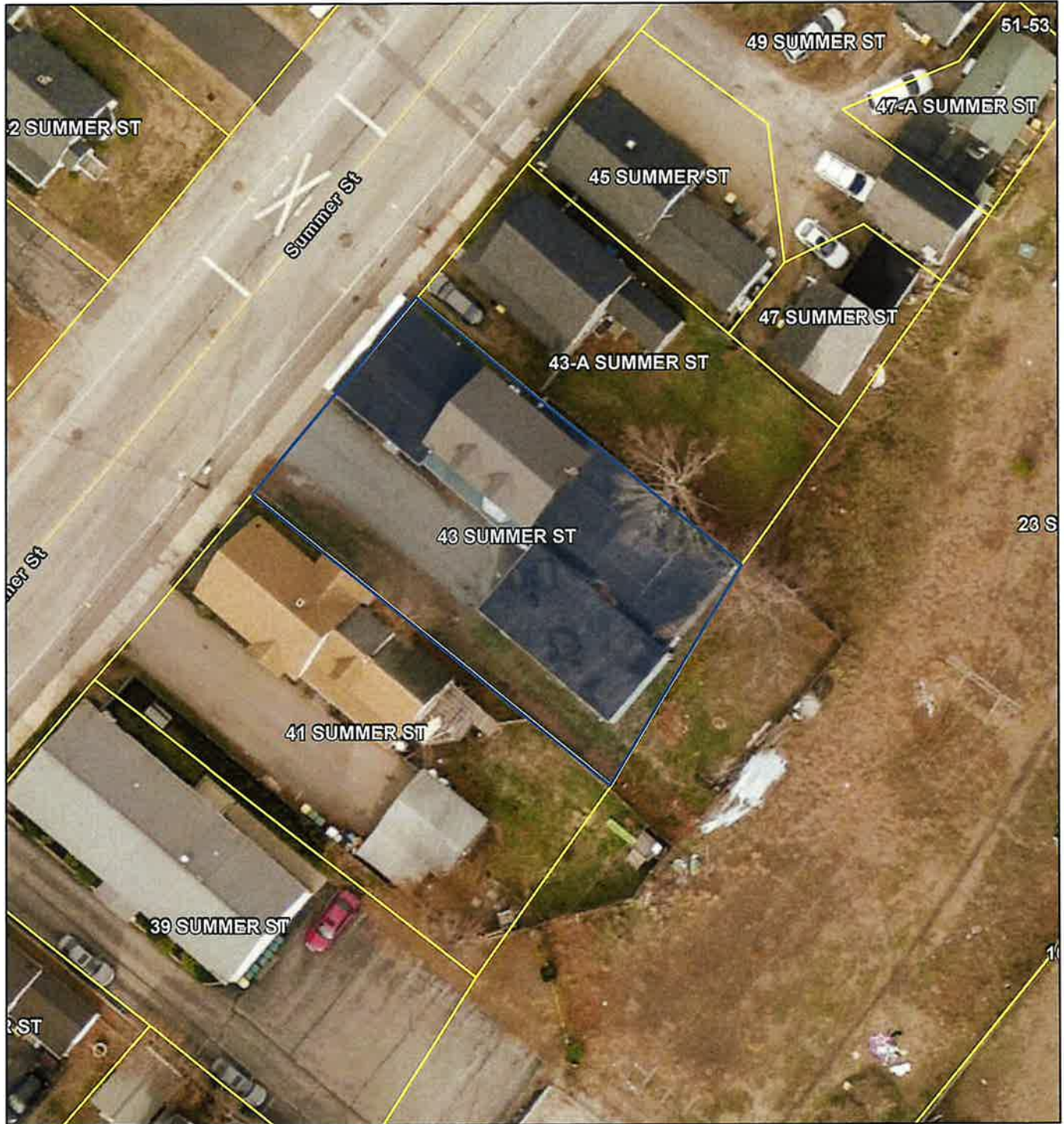
[Amended 2-6-2018; 5-7-2019]

(1) There is no minimum lot area per dwelling unit applicable within the Downtown Commercial (DC) Zone District. For areas outside of the DC Zone District, the minimum lot area per dwelling unit within a one-mile radius of the center of Rochester shall be 5,000 square feet. The minimum lot are per dwelling unit outside of the one-mile radius of the center of Rochester shall be 7,500 square feet.

(2) The minimum lot area per dwelling unit within a one-half-mile radius of the center of Gonic and East Rochester shall be 5,000 square feet. The minimum lot are per dwelling unit outside of the one-half-mile radius of the center of Gonic and East Rochester, shall be 7,500 square feet.

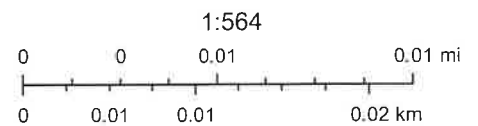
(3) Any lot that is partially within the radius of a density ring shall be treated as if it were entirely within the radius of the density ring.

ArcGIS Web AppBuilder



10/25/2022, 9:45:54 AM

 Tax Parcels
Parcel Info



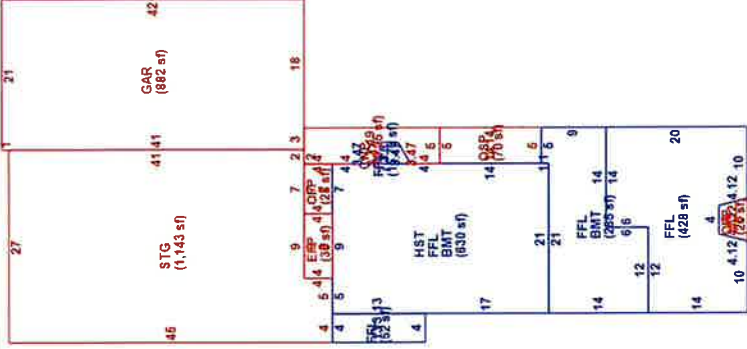
Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS, Esri Community Maps Contributors, Rochester GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc. METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)									
Element	Cd	Description	Element	Cd	Description							
Model	01	Residential	Half Bath Rati									
Style	16	NEW ENGLAND	Extra Fixture(s)	0								
Grade	C-	AVG. (-)	Extra Fix Ratin									
Stories	1.5											
Units	1											
Residential Unit	2											
Comm Units	0		Condo Main		Complex #							
Exterior Wall 1	11	ASPHALT	Adjust Type		Building #							
Exterior Wall 2	08	BRICK VENR	Condo Floor		Section #							
2nd Ext Wall %	11		Condo Location		% Owner							
Roof Structure	01	GABLE										
Roof Cover	01	ASPH SHINGLE										
Interior Wall 1	06	AVERAGE										
Interior Wall 2												
2nd Int Wall %												
Interior Floor 1												
Interior Floor 2												
Basement Floor												
% Heated												
Heat Fuel												
Heat Type												
2nd Heat Type												
2nd % Heated												
# Heat Systems												
AC Percent												
Bedrooms												
Full Bath(s)												
Bath Rating												
3/4 Bath(s)												
3/4 Bath Rating												
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	Unit Price	Grade Adj.	Appr. Value
BMT	BASEMENT											
CNP	CANOPY											
ENCL	ENCL PORCH											
FFL	1ST FLOOR											
GAR	GARAGE											
HST	HALF STORY											
OFF	OPEN PORCH											
OSP	SCRN PORCH											
STG	FRAME SHED BULKHEAD/FRAM											
Ttl Gross Liv / Lease Area			1,726	5,214				1,955				232,963

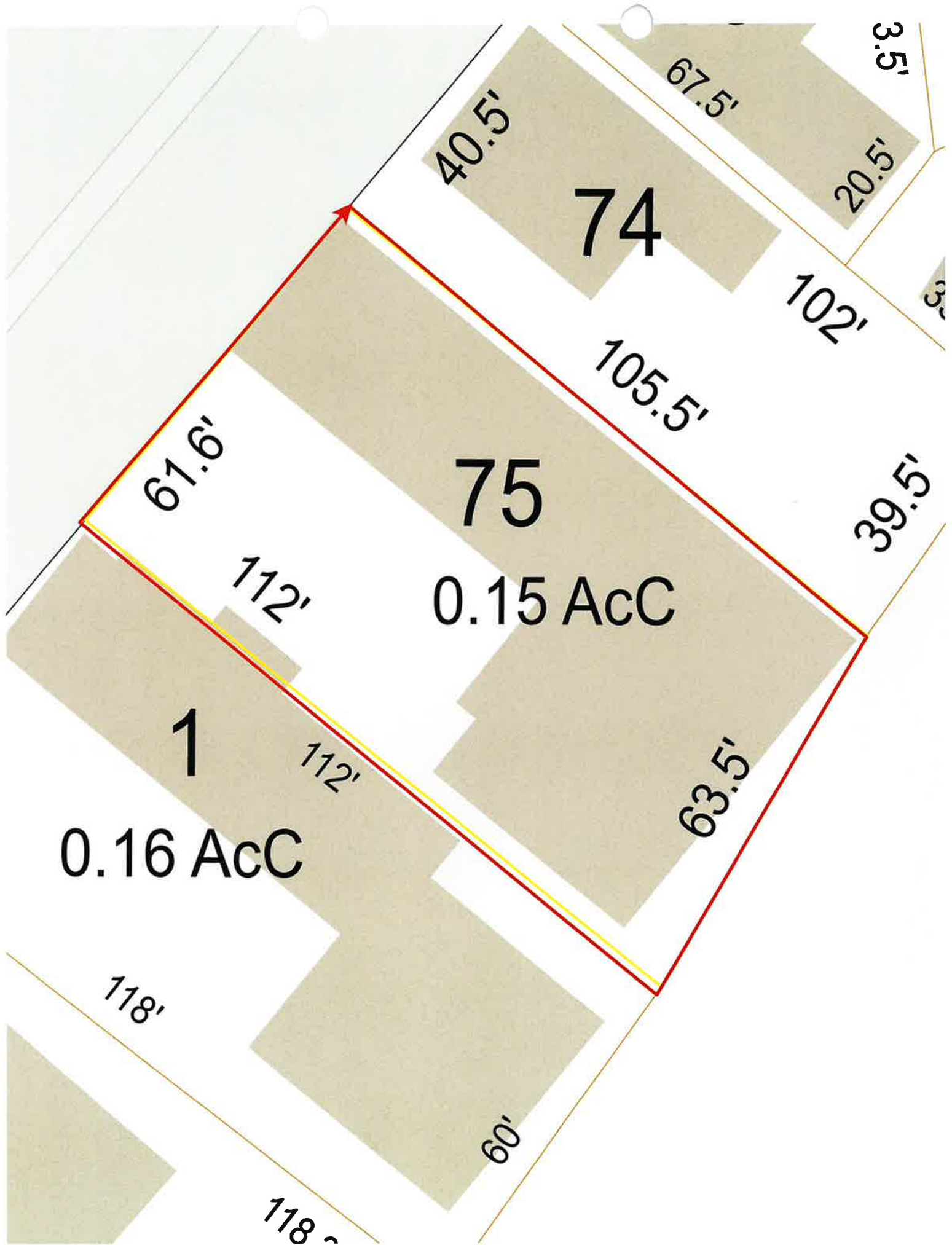
27	21	45	41	41	42
STG					GAR
(1,143 sf)					(882 sf)
9	7	2	3	18	
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BUILDING SUB-AREA SUMMARY SECTION												
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undepreciated Value						
BMT	BASEMENT	0	915	229	21.93	20,066						
CNP	CANOPY	0	79	0	14.20	1,122						
ENCL	ENCL PORCH	0	36	0	64.25	2,313						
FFL	1ST FLOOR	1,411	1,411	1,411	87.62	123,638						
GAR	GARAGE	0	882	0	24.70	21,785						
HST	HALF STORY	315	630	315	43.81	27,602						
OFF	OPEN PORCH	0	48	0	40.94	1,965						
OSP	SCRN PORCH	0	70	0	51.59	3,611						
STG	FRAME SHED BULKHEAD/FRAM	0	1,143	0	27.00	30,861						
Ttl Gross Liv / Lease Area				1,726	5,214	1,955						







Owner1	Owner2	BillingAddress	City State Zip
CHECO JOSE CUEVAS		40 SUMMER ST	ROCHESTER, NH 03867-1419
DEMERS DENNIS A & M ALANA		169 CLEAR CREEK WAY	MANCHESTER, NH 03102
LEVESQUE LUCIEN G & MARILYN M	LEVESQUE JASON	41A SUMMER ST	ROCHESTER, NH 03867-1418
PUBLIC SERVICE CO OF NH	EVERSOURCE ENERGY DBA	P O BOX 270	HARTFORD, CT 06141-0270
LEE NELSON		43 SUMMER ST	ROCHESTER, NH 03867
ERCH REALTY LLC		46 SUMMER ST	ROCHESTER, NH 03867-1419