



# 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. 2-23-07

DATE FILED 3/2/23

C91  
ZONING BOARD CLERK

Applicant: Matthew J Roy

E-mail: mat@EBike603.com Phone: 603-534-2079

Applicant Address: 255 N MAIN ST APT B Rochester NH 03867

Property Owner: Same

Property Owner Address: Same

Variance Address: Same

Map Lot and Block No: 0115 0094 ? Block

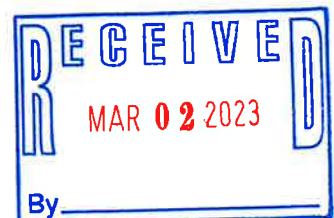
Description of Property (give length of lot lines): corner of Fortier + N Main 62.66', 109.39', 85.78'  
9.38', 80.79', 31.25'

Proposed use or existing use affected: Use Left side of Barn for Bicycle assembly

The undersigned hereby requests a special exception as provided in section 24.1.I of the Zoning Ordinance to permit Home Business class II in a multi family dwelling.

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: Matthew J Roy Date: 3-2-23





# City of Rochester, New Hampshire

## Zoning Board of Adjustment

### 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: it poses no detriment to the neighborhood

(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: there will be virtually no additional traffic occasional pickup only, no chemicals and no noise, existing driveway use

(4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. ☒ Yes ☐ No Reasoning: none needed

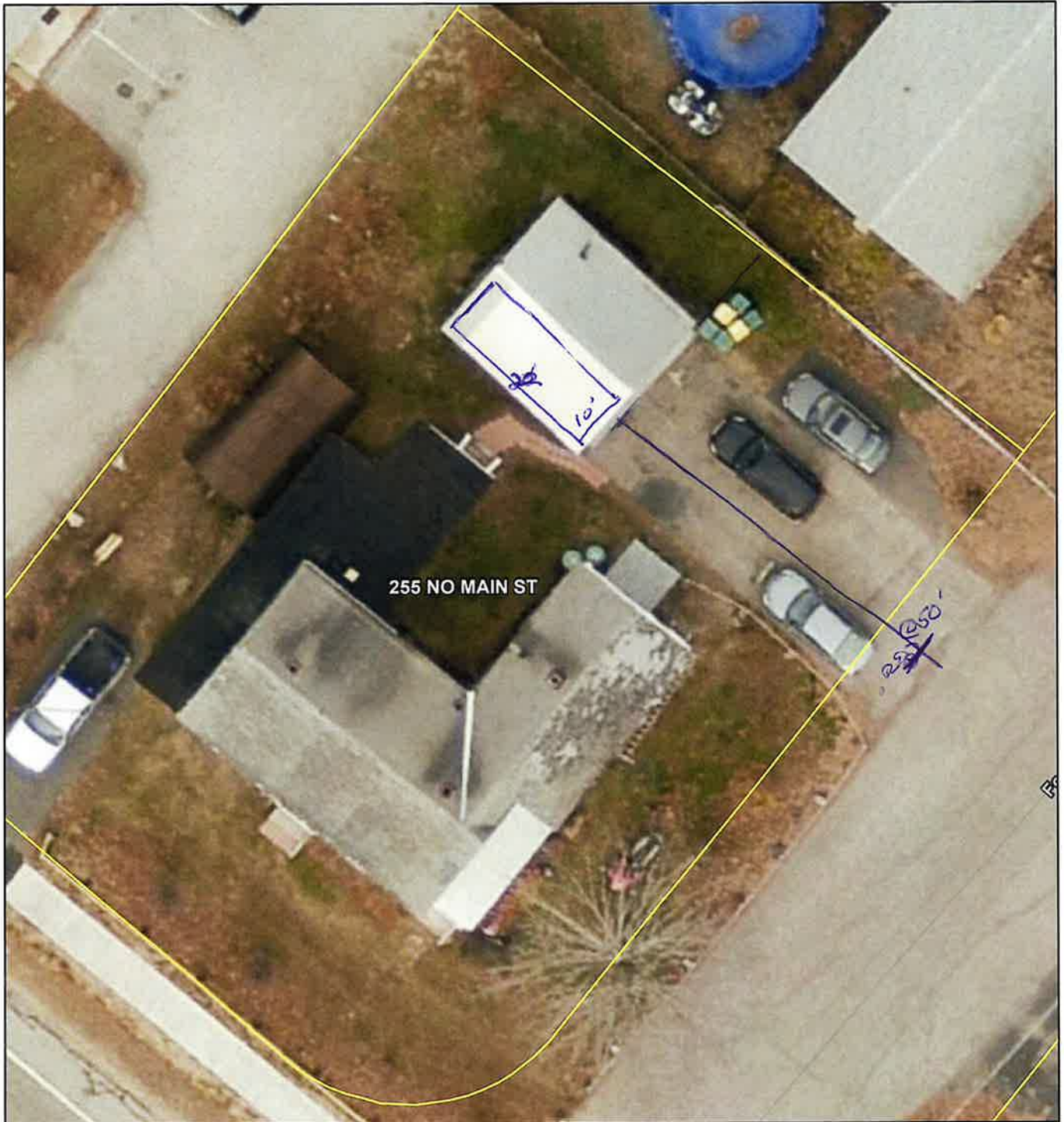
(5) The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan. ☒ Yes ☐ No Reasoning: it believe so, with no negative impact if only utilizing the property to fullest use/enjoyment.

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




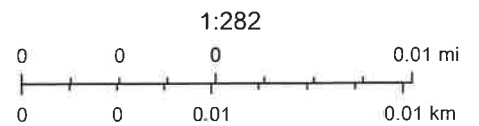


# 255 No Main



3/1/2023, 1:14:24 PM

 Tax Parcels



Esri, HERE, Garmin, INCREMENT P, 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

## Addendum to narrative for Roy family in home business application.

I'm hoping my application qualifies for a minor site plan. I need no additional building, site work or increased parking. The main 4 unit building will remain unchanged. The 20 x 22 barn has 2 overhead doors and the left side of the barn is the side to be used for the electric bike assembly and pick up. The right side closest to the neighbor is used by my brother who occupies unit A of the main building. There is a 50 amp breaker panel in the barn and the driveway is paved.

Many sales are dropshipped direct to my customers and require no pick up from the site. The present FedEx/UPS deliveries on Fortier Drive would not increase, as the delivery trucks are on the street daily, delivering packages. There will be no chemicals used associated with my business and the shipping containers are recyclables and I bring them to Waste Management after delivery.

Please reach out with any additional questions - 603.534.2079  
Thank you, Matt

**§ 275-24.1 Requirements for all home occupations.**

The following standards apply to all home occupations-1, -2, and -3:

**A.** On resident's property. Home occupations shall be conducted by the individual on the property in which he/she resides.

**B.** Inside the dwelling. All activity related to the home occupation shall be conducted inside the dwelling or inside a garage or barn-type outbuilding.

**C.** Character. Home occupations must be subordinate to the residential use and must have little or no impact upon the neighborhood. There must be minimal indication of the home occupation evident from the road or from neighboring properties.

**D.** Retail sales. There shall be no retail sales of goods or products on the premises, except:

**(1)** As may be incidental to the primary office or personal services occupation (such as sales of hair products to a salon customer);

**(2)** For goods shipped pursuant to mail/email/telecommunication order;

**(3)** To customers who visit by prearranged appointment only; or

**(4)** For barn sales as specified under home occupation-3.

**E.** Delivery of goods. The regular receipt or delivery of merchandise, goods or supplies to or from the business shall be limited to U.S. mail service, a standard parcel delivery service utilizing a two-axle vehicle, or a private passenger automobile.

**F.** Outside storage/parking. There shall be no outside storage or parking of materials, equipment, or vehicles (except for one ordinary passenger vehicle, pickup truck, or van related to the business). Box trucks are permitted by special exception subject to a determination that adequate buffering can be provided.

**G.** Performance standards. There shall be no emission of noise, odor, dust, fumes, vibration, or smoke beyond the property or, in the case of multifamily dwellings, beyond the dwelling unit.

**H.** Septic system. Septic system design/capacity for home occupations that utilize significant additional water or wastewater volumes, such as hair salons and catering services, shall be verified in writing by a licensed New Hampshire septic designer or a professional engineer.

**I.** Multifamily dwellings. Home occupations are allowed in all residential property. Any proposal for a home occupation-2 or home occupation-3 in a dwelling other than a single-family dwelling shall be reviewed as a special exception (see § **275-24.6** below). In addition, the owner and residents of all units in the dwelling shall be notified of the hearing by certified mail.

**J.** Parking.



**(1)** Adequate parking must be provided either on street or on site as determined by the Planning and Development Department (or the ZBA where a special exception is required).

**(2)** All parking design requirements stipulated in Article 5, Residential Zoning Districts, shall be met.

**(3)** Parking shall be located in a regular residential driveway, in the side yard, or in the rear yard. Parking can occur in the front yard if the Director of Building, Zoning, and Licensing Services has found that no other alternative exists. Back-to-back parking is permitted. If the amount of parking is noticeably greater than that for a typical single-family dwelling then it shall be fully screened or buffered. It is emphasized that if parking cannot be handled properly and unobtrusively then the home occupation shall not be permitted.

**K.** Hours of operation. Hours for customers to visit the home occupation are restricted to the following unless otherwise specifically approved: 8:00 a.m. to 7:00 p.m., Monday through Friday; 9:00 a.m. to 6:00 p.m. Saturday.

**L.** Nontransferability. Home occupation approvals are not transferable; they are issued to a specific individual applicant for a specific home occupation at a specific site.

**M.** Certificate of occupancy. Prior to the commencement of any home occupation, a certificate of occupancy must be obtained from the Director of Building, Zoning, and Licensing Services when deemed necessary by the Director or requested by the applicant.

**N.** Expansion. No expansion of the scope, or significant change in the nature, of any home occupation for which an approval has been granted shall occur without subsequent review and approval.

**O.** Revocation. An approval for a home occupation may be revoked by the Director of Building, Zoning, and Licensing Services for violation of any provisions of this chapter or of any conditions of the approval. Appeals of any such revocation shall be made to the Zoning Board of Adjustment.

**P.** Commercial districts. Within commercial districts, where the use is allowed, it need not be pursued as a home occupation even if the business owner operates from his/her house. However, site review approval is still required and the applicant is responsible for obtaining all other applicable permits.



# 255 North Main Street

City of Rochester, NH

1 inch = 50 Feet



www.cai-tech.com

March 7, 2023




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									
ROY PETER J  255 NO MAIN ST APT A  ROCHESTER NH 03867-1132				0	CITY WATER R	0	LEVEL	R1 RESIDENCE 1		LUC Co		ROCHESTER									
				0	CITY SEWER	0	NEIGHBORHOOD	NHBD NAME		110		181,700									
				0	CITY WTR PBO	0	2004	2 TO 4 UNITS DOWNT		110		39,700									
				UTL/ST / TRAF		EXEMPTIONS		110		4,300											
				0	NONE	Year	Code	Description				3,300									
				0	PAVED																
				0	MEDIUM																
				LEGAL DESCRIPTION																	
SALES INFORMATION-GRANTEE				BOOK/PAGE	SALE DATE	SALE PRICE	SALE CODE		PREVIOUS ASSESSMENTS (HISTORY)												
ROY PETER J				2120 60	06-30-1999	70,000	38		Total		225,700	224,700									
ROY WILFRID JR & JEANNINE				1135 788	06-19-1984	0	99		Year	Descri	Year	Prior Assesse									
WTR REALTY CORP				1135 432	05-31-1984	0	99		2019	BLDG	2020	181,700									
ROY WILFRED T & MARY				0 0	01-01-1900	0	99		LAND	OB		39,700									
									OB		4,300	4,300									
				Total		225,700		Total		225,700		224,700									
BUILDING NOTES																					
BUILDING PERMIT RECORD																					
Issue Date	Permit Id	Description	Price	Insp Date	% C	Stat	Notes														
07-23-2014	8401	FENCE	400	02-27-2015		C	Appraised Building Value (Card) Appraised Extra Feature Value (Bldg) Appraised Outbuilding Value (Bldg) Appraised Land Value (Bldg)  Total Appraised Parcel Value Valuation Method														
07-23-2014	8401	FENCE	400		100	C															
07-25-2003	781	ELECTRIC	1,500	03-29-2004	100	C															
Total Appraised Parcel Value							224,700														
VISIT / CHANGE HISTORY																					
Date	Id	Purpost/Result		Notes																	
02-27-2015	NM	EXT ONLY		Permit #: 8401																	
07-08-2013	VS	OWN ADD CHG		PER OWNER S																	
04-15-2009	VS	OWN ADD CHG		PER OWNER S																	
03-29-2004	LR	EXT ONLY		Permit #: 781																	
08-14-2002	TM	MEAS+INSPCTD		F;																	
07-19-1999	GN	NO INSP																			
LAND LINE VALUATION SECTION																					
B	LUC	Description	LandU	Land Type	Loc Adj	UnitPric	Size Adj	Cond	Nbhd	Nb Adj	Inf11	Inf11 Adj	Inf12	Inf12 Adj	Inf13	Inf13 Adj	Adj Unit/Price	Appraised Value	Assessed Value	Notes	
1	1100	FOUR FAMI	0.210	PRIMARY	P	1,000	45,000	4,19762	1.00	2004	1,000						188,892	39,700	39,700		
Total Card Land Units													0.21	AC	Parcel Total Land Area		0.21	AC	Total Land Value		39,700

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)								
Element	Cd	Description	Element	Cd	Description							
Model	03	Multi-Family	Half Bath Rati									
Style	23M	MULTIFAMILY	Extra Fixture(s)	0								
Grade	C	AVERAGE	Extra Fix Ratin									
Stories	2		CONDO DATA									
Units	4		Condo Main		Complex #							
Residential Unit	4		Adjust Type	Code	Building #							
Comm Units	0		Condo Floor		Section #							
Exterior Wall 1	02	CLAPBOARD	Condo Location		% Owner							
Exterior Wall 2			COST / MARKET VALUATION									
2nd Ext Wall %	0		Building Value New		363,322							
Roof Structure	01	GABLE	Year Built		1890							
Roof Cover	01	ASPH SHINGLE	Depreciation Code		A							
Interior Wall 1	02	PLASTER	Remodel Rating		50							
Interior Wall 2			Year Remodeled		1,000							
2nd Int Wall %	0	AVERAGE	Depreciation %		50							
Interior Floor 1	08	CONCRETE	Economic Obsol		181,700							
Interior Floor 2			Trend Factor									
Basement Floor	12		Special Adj									
% Heated	100.00		Condition %									
Heat Fuel	01	OIL	Percent Good									
Heat Type	01	FORCED W/A	RCNLD									
2nd Heat Type			Dep % Ovr									
2nd % Heated	0.00		Misc Imp Ovr									
# Heat Systems	4.00		Misc Imp Ovr Comment									
AC Percent	0.00		Cost to Cure Ovr									
Bedrooms	6		Cost to Cure Ovr Comment									
Full Bath(s)	4											
Bath Rating	A	SAME										
3/4 Bath(s)	0											
3/4 Bath Rating												
Half Bath(s)	0											
Half Bath Rating												
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
46	FLAT BARN	L	1	20	22	D	PR	1910	35	24.45	0.87	3,300
BUILDING SUB-AREA SUMMARY SECTION												
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undepreciated Value						
BMT	BASEMENT				396	24.10						
ENCL PORCH		0	1,582	80	0	64.29						
EFF	1ST FLOOR	0	1,582	1,582	1,582	96.26						
OFF	OPEN PORCH	0	0	60	0	40.97						
SFL	2ND FLOOR	1,190	1,190	1,190	1,190	96.26						
STG	FRAME SHED BULKHEAD/FRAM	0	0	25	0	27.02						
STP	STOOP	0	0	12	0	15.21						
Totl Gross Liv / Lease Area		2,772	4,531	3,168	313,407							



\$28.50

Owner1	Owner2	BillingAddress	City State Zip
LAVERDIERE BEATRICE		253 NO MAIN ST	ROCHESTER, NH 03867-1110
EMERALD KNIGHT PROPERTIES LLC		248 NO MAIN ST	ROCHESTER, NH 03867-1125
ROY FAMILY REV TRUST OF 2022 )	ROY SARAH	255 NO MAIN ST APT B	ROCHESTER, NH 03867
BURGER KING COMPANY LLC	RYAN LLC	P O BOX 460189	HOUSTON, TX 77056-8189
MITCHELL CHRISTOPHER &	CONRAD NICOLE	2 FORTIER DR	ROCHESTER, NH 03867-1105
CAPALBO DARLENE		257 NO MAIN ST	ROCHESTER, NH 03867-1133