



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. 2-23-26

DATE FILED 7/7/23

C91
ZONING BOARD CLERK

Applicant:

Christopher and Rebecca Bannon

E-mail: chris.bannon@gmail.com Phone: (603) 312-8004

Applicant Address: 155 Charles St. Rochester NH 03867

Property Owner (if different): _____

Property Owner Address: _____

Variance Address: 155 Charles St. Rochester NH 03867

Map Lot and Block No: 0128 - 0226 - 0000

Description of Property: Single Family Home

Proposed use or existing use affected: Modification/Conversion to Two-Family Home

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section Att. 6: Table 19-A

and asks that said terms be waived to permit Dimensional standards: Minimum frontage for two-family home

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: 7/6/2023





City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Criteria

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

Multi-family residences are very common on Charles St., the vast majority of which - including multiple nearby properties and abutters - do not conform to the current dimensional standards. 157 Charles St. (next door) is a two-family home on a lot of identical dimensions. Allowing conversion to a two-family home suits the character of the neighborhood, and serves the public interest through the creation of additional, much-needed housing.

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

The ordinance exists to protect the character of our neighborhoods while promoting responsible development. Multi-family homes are very common here on Charles St., such that the use allowed by the granting of this variance would serve the "most appropriate use" of land in this case, while further "encouraging provision of high-quality housing" here in Rochester.

3) Granting the variance would do substantial justice because:

Granting this variance is in keeping with established dimensional precedents here on Charles St., and the proposed use is in keeping with the essential character of the neighborhood. Housing stock will be increased and revitalized, the most appropriate use of this property will be supported, with no harm caused to the general public or other individuals.

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

Multi-family residences on lots of non-conforming dimensions are already common here. Rather than diminish surrounding property values, the project we are seeking to undertake at 155 Charles St. will substantially revitalize the current property, while also increasing its usefulness and value. This serves to increase, rather than diminish, the values of 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:

The 80 ft. frontage requirement for two-family homes is fairly new, relative to the housing stock on Charles St. Abutters and many other nearby properties do not meet this criteria, with no harm to the essential character or value of the neighborhood. Refusing to grant this variance will not "encourage most appropriate use", "preserve and enhance value", or "encourage provision of high-quality housing", while granting this variance will accomplish all of these public purposes of the ordinance.

And:

ii. The proposed use is a reasonable one because:

It is in keeping with well-establish precedent, fitting with the essential character of the Charles St. neighborhood.

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.

Our aim is the creation of housing for aging parents, who are in the position of needing to move to be with us from out of state. In the midst of an unprecedented housing inventory crisis as we are, proximity and affordability needs dictate that we pursue the creation of a dwelling unit as part of our property. The specific space needs of our parents will require more than the 800 sq. ft. ADU provisions established by state law. As such, the conversion of our property to a two-family dwelling would seem the most appropriate course of action, in the best interest of the public as well as for the long-term value of this property. At this time, strict compliance with current dimensional standards prevent us from taking this course, which is an unnecessary hardship given that we are surrounded by multi-family homes which are similarly short on the 80 ft. frontage requirement.

Christopher Bannon
155 Charles St., Rochester NH
7/6/2023

**ATTN: Zoning Board of Adjustments
155 Charles St. Proposed Project Narrative**

Our family is growing in multiple dimensions. Four children beginning to come into teen years are straining the capacity and layout to our c. 1890 New Englander, and the immanent addition of out currently out-of-state, aging parents to our family unit necessitates a structural re-conception of living quarters/storage/etc. Our aim is to deconstruct the existing attached barn and replace this with a new garage/dwelling unit, as well as some additional bedroom and bathroom space to remain associated with the primary dwelling.

The space needs of our relocating parents will necessitate more than the 800 sqft allowable under the "accessory dwelling unit" designation, and the preference, for multiple functional reasons, would be to set up the newly created living space for separate utilities/metering. Altogether, it would seem that the most straightforward course will be to convert the property to a duplex. This use is in line with the zoning designation of the property - multi-family dwellings abut our home and are common throughout our neighborhood - and the proposed modification/addition falls within required building setbacks.

Having been informed that our lot does not meet the required frontage on Charles St. per current dimensional standards (Att. 6 Table 19-A) required for a conversion to a legal two-family residence, we are applying for a variance on these terms on the ordinance in order that we would be allowed to do so.

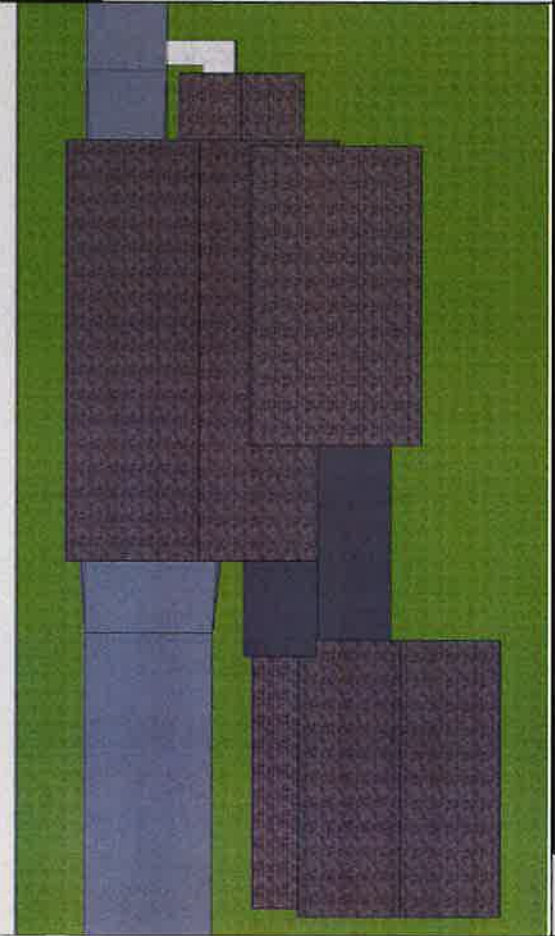
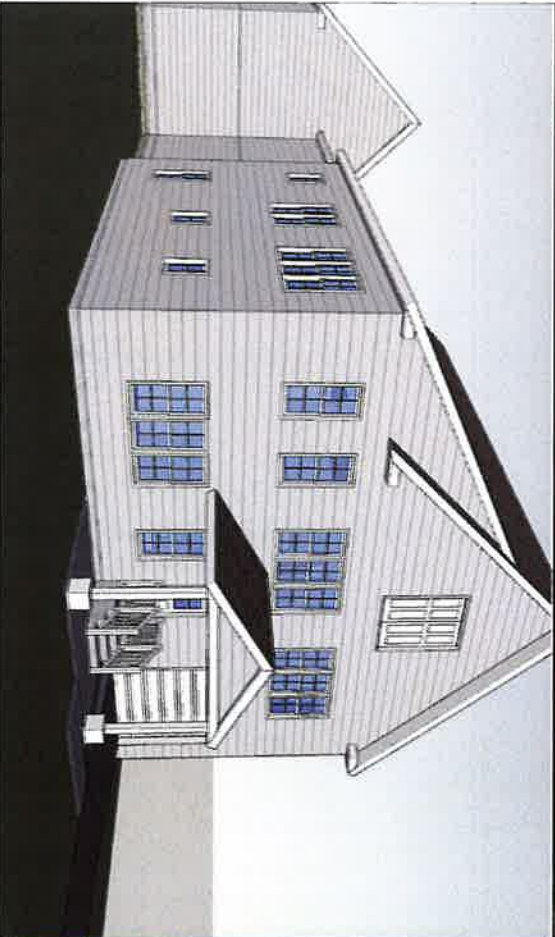
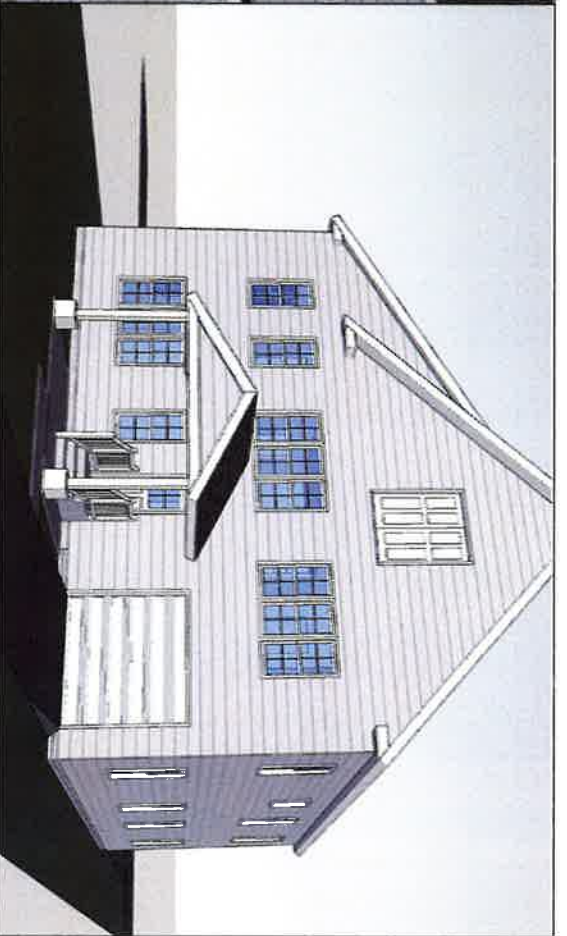
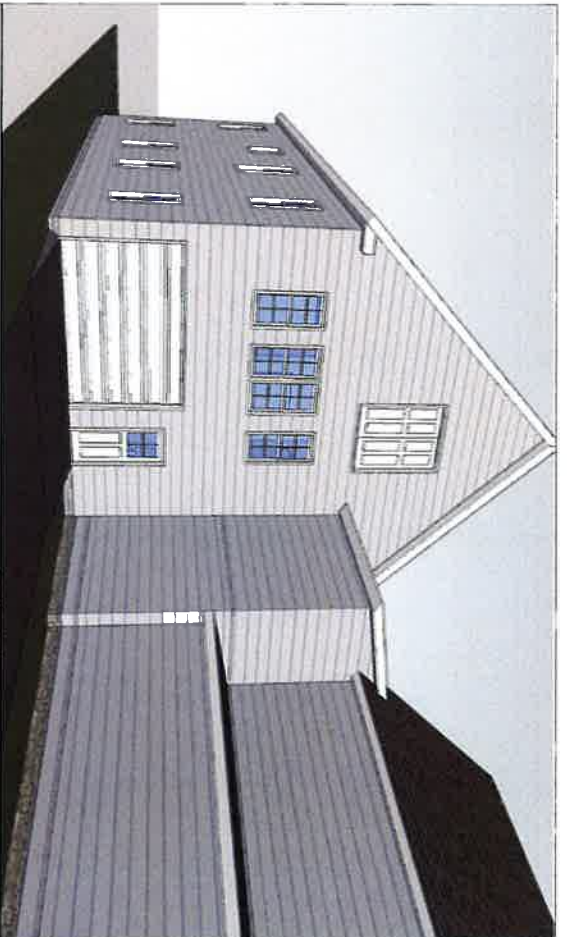
Granting this variance would not be contrary to the public interest, as multi-family properties are very common on Charles St., the vast majority of which - including multiple nearby properties and abutters - do not conform to the fairly recently adopted current dimensional standards. 157 Charles St. (next door) is a two-family home on a lot of identical dimensions. Allowing conversion to a two-family home suits the character of the neighborhood, and serves the public interest through the creation of much-needed housing.

In the granting of this variance, the spirit of the ordinance would be observed, because the ordinance exists to protect the essential character of neighborhoods while promoting responsible development. Multi-family homes are very common on Charles St., such that the use allowed by the granting of this variance would serve the “most appropriate use” of land in this case, while further “encouraging provision of high-quality housing” here in Rochester.

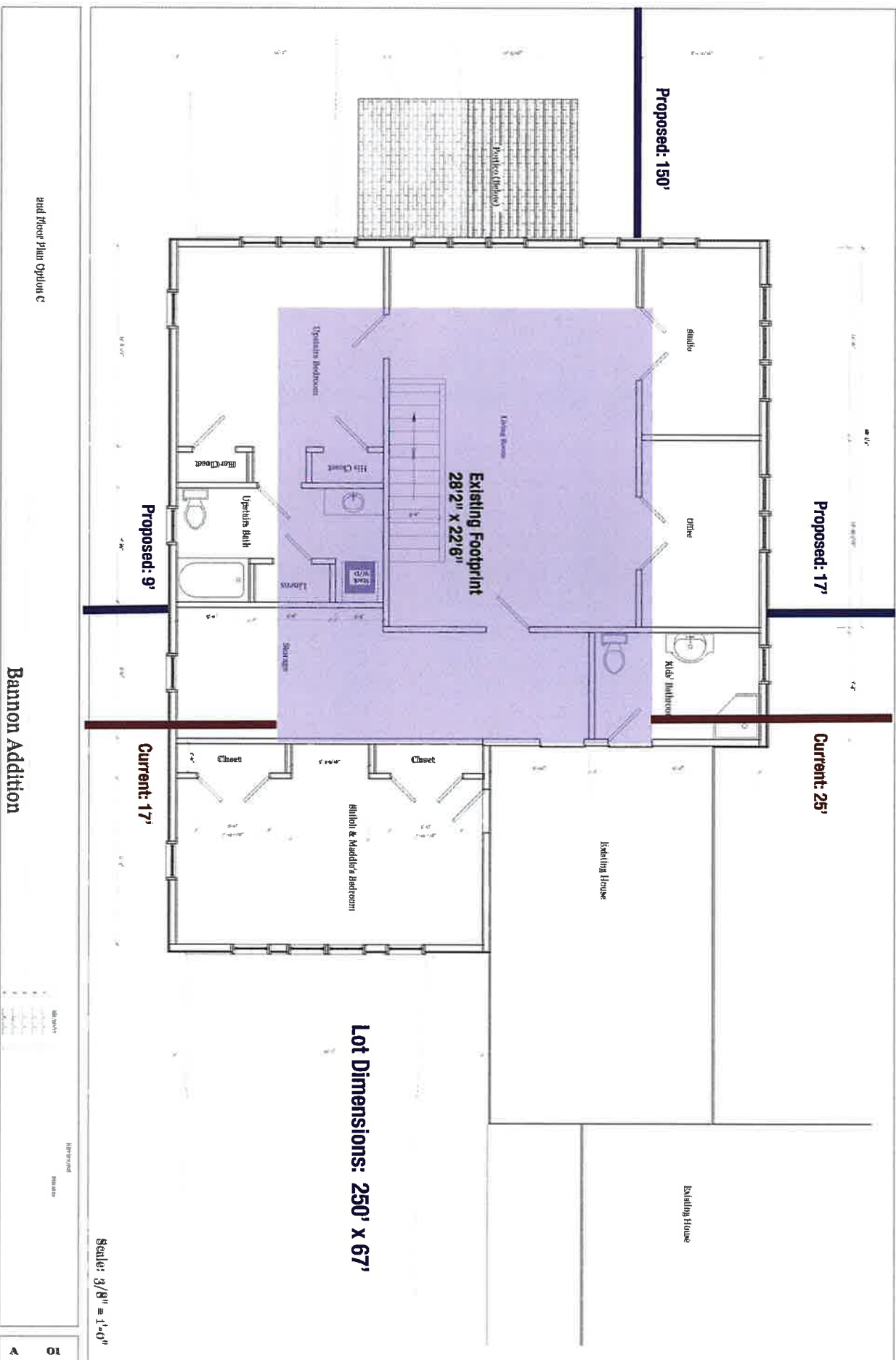
Granting the variance would do substantial justice because the requested variance is in keeping with established dimensional precedents here on Charles St., and the proposed use is in keeping with the essential character of the neighborhood. Housing stock will be increased and revitalized, the most appropriate use of this lot will be supported, with no harm caused to the general public or other individuals.

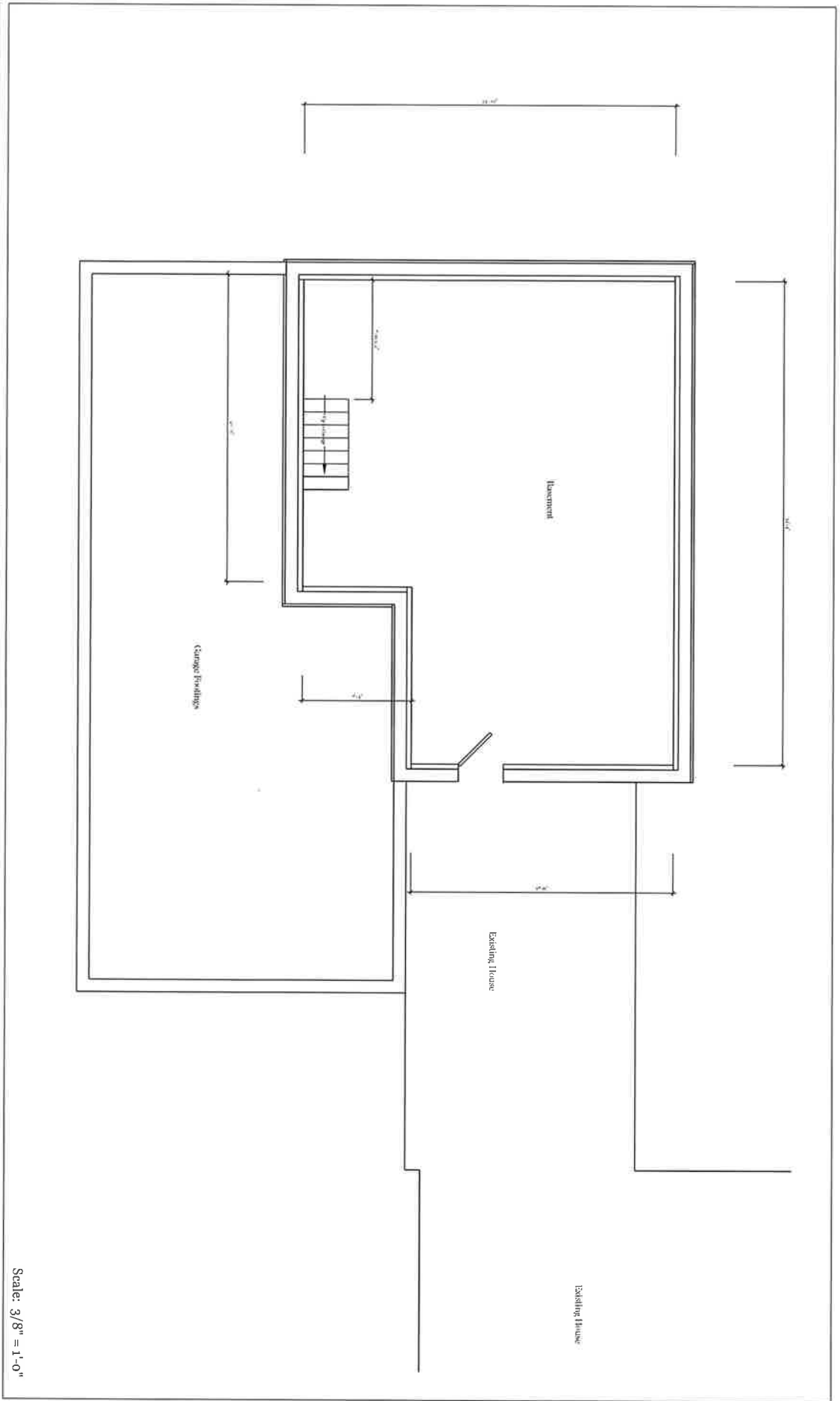
The values of surrounding properties would not be diminished, because multi-family homes on lots of non-conforming dimensions are already common here. Rather than diminish surrounding property values, the project we are seeking to undertake here at 155 Charles St. will substantially revitalize the existing property, while also increasing its usefulness and value. This serves to increase, rather than diminish, the values of surrounding properties.

Denial of this variance would constitute an unnecessary hardship, because “no fair and substantial relationship exists between the general public purposes of the ordinance” and a denial in this case. The current dimensional standards are new, relative to the housing stock here on Charles St. Abutters and many other nearby properties do not meet this criteria, with no harm to the essential character or value of the neighborhood. Refusing to grant this variance would not only diminish the satisfactory usefulness and reasonable enjoyment of this property relative to the needs of our family, it would also not, relative to the letter and spirit of the ordinance, “encourage most appropriate use”, “preserve and enhance value” or “encourage provision of high quality housing”. Conversely, granting this variance would accomplish all of these public purposes of the variance. The proposed use is a reasonable one, because it is in keeping with established precedent and fitting with the essential character of the neighborhood.



Bannon Addition

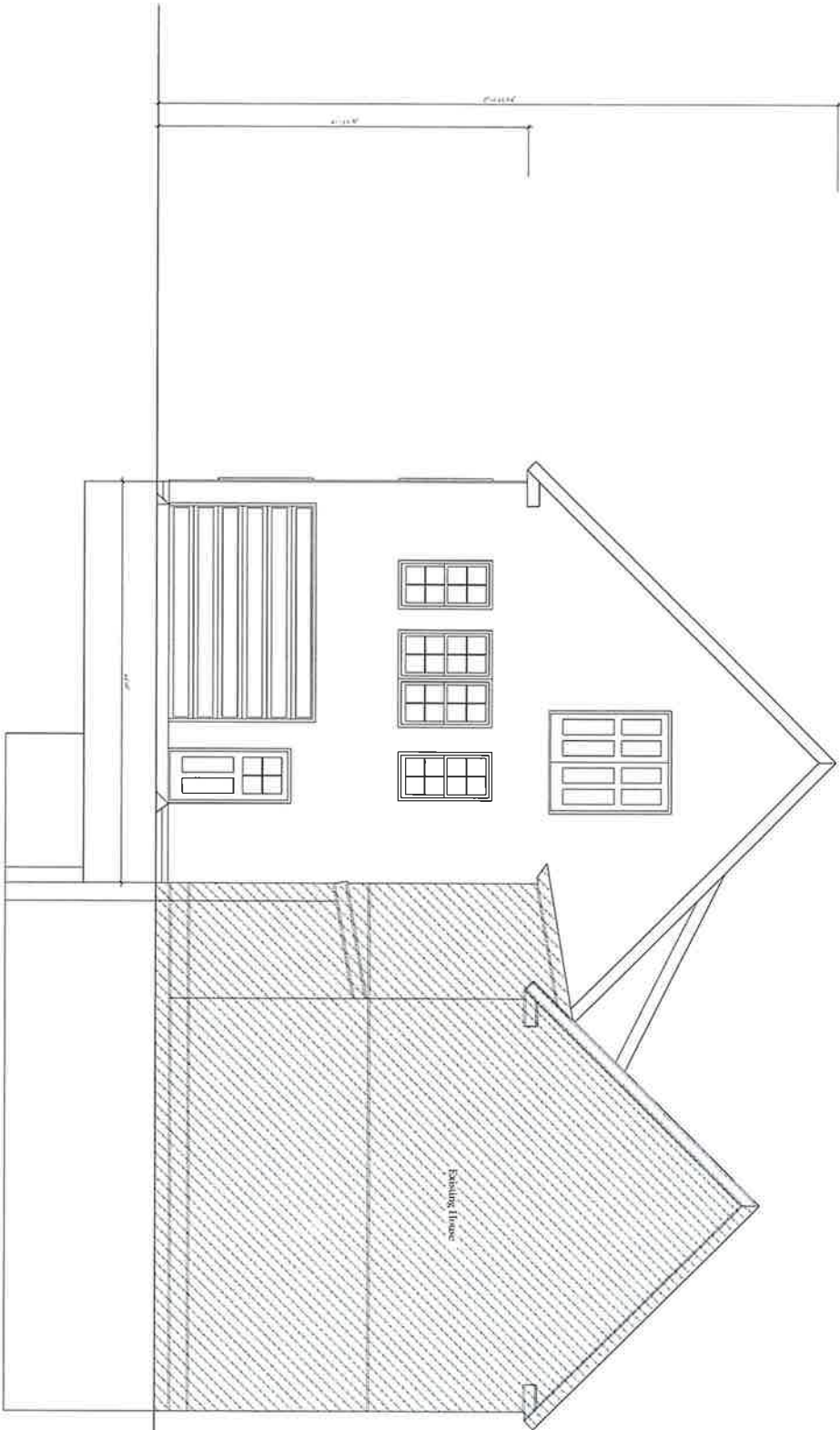




Basement Plan

Bannon Addition

REVISION	
NO.	DESCRIPTION
1	
2	
3	
4	
5	

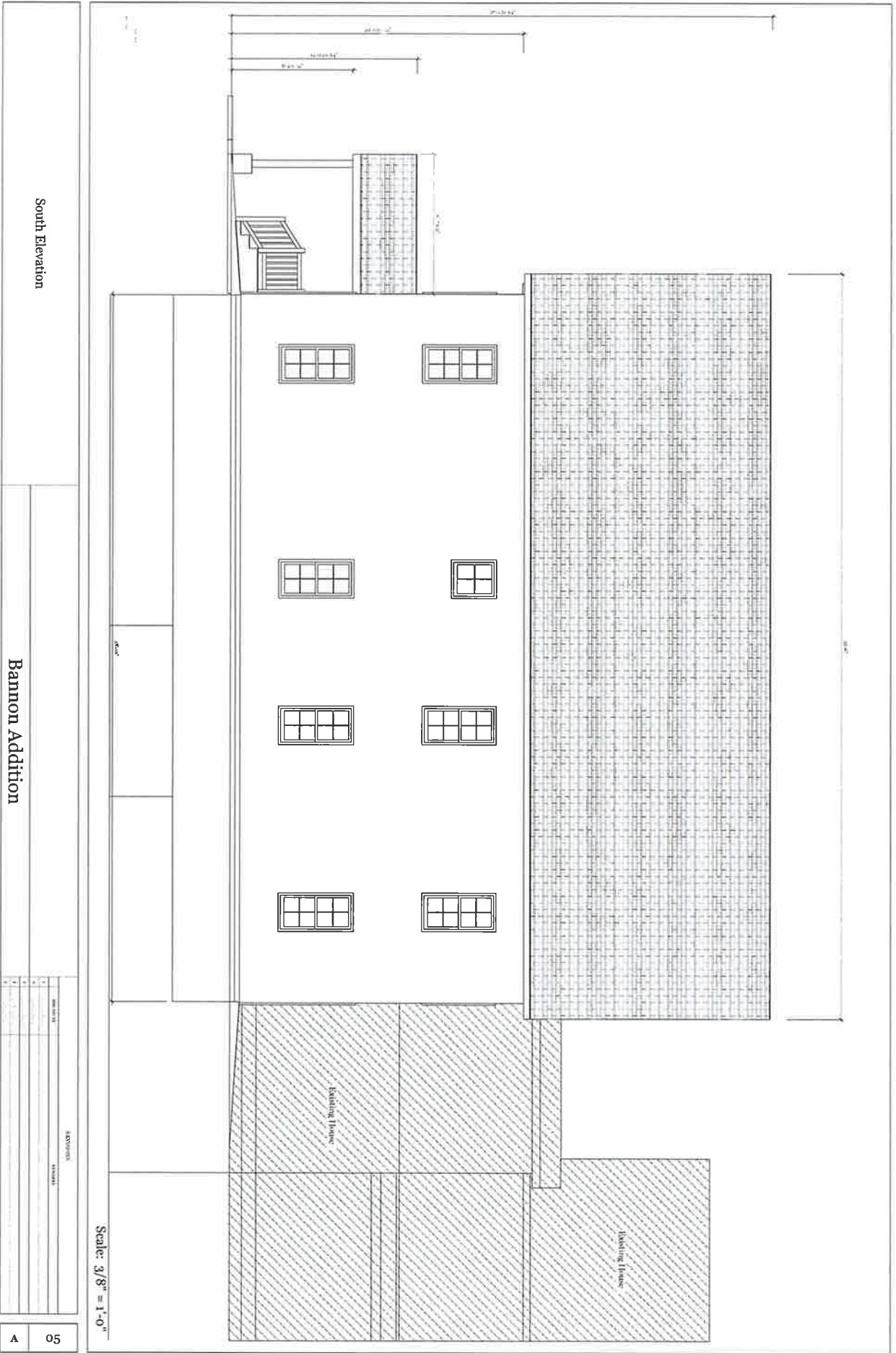


Scale: 3/8" = 1'-0"

East Elevation

Bannon Addition

REVISIONS		DATE	BY	DESCRIPTION
1				
2				
3				
4				



South Elevation

Bannon Addition

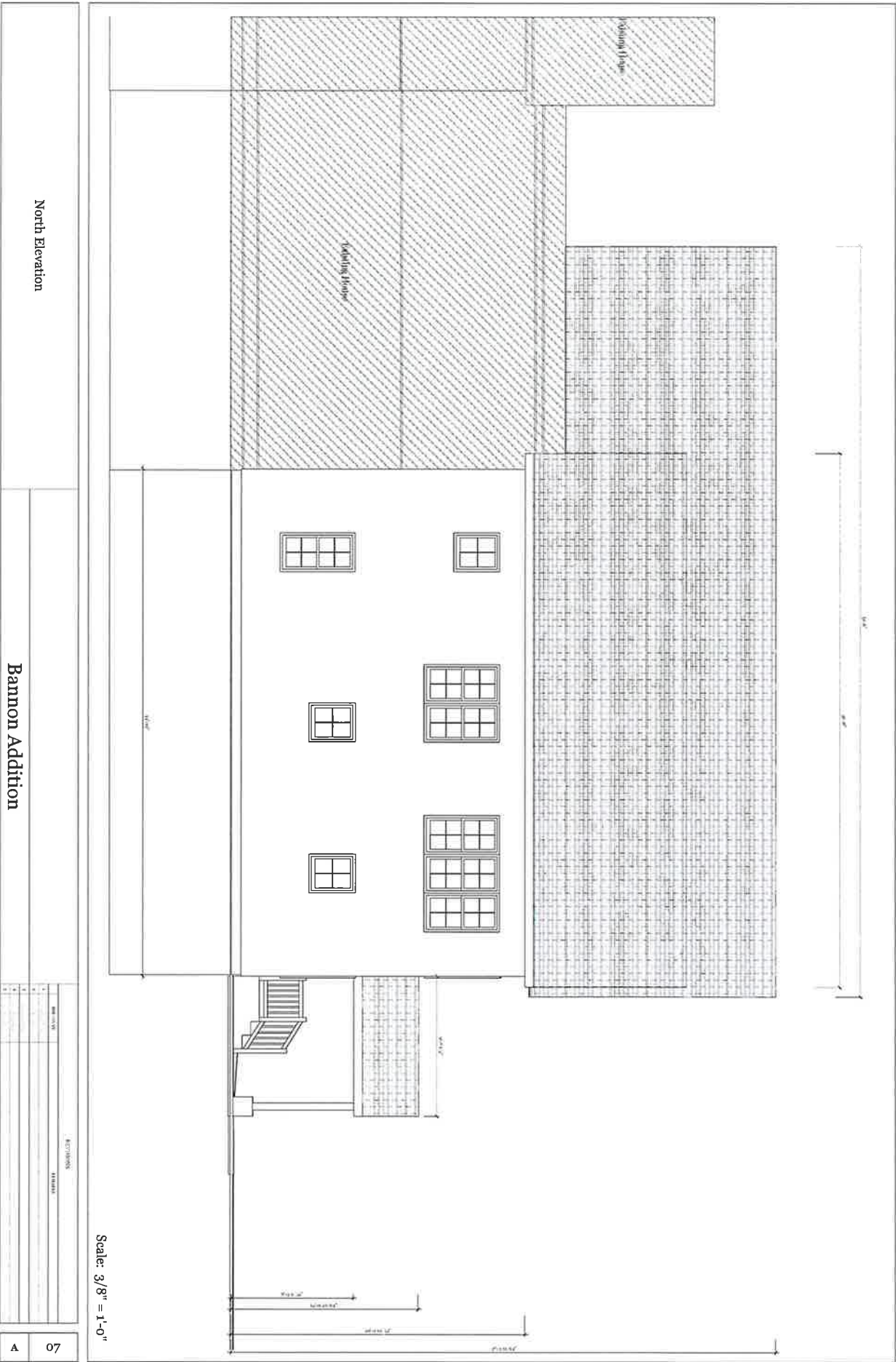
DATE	05/10/10
BY	ARCHITECT
PROJECT	BANNON ADDITION
DESCRIPTION	SOUTH ELEVATION
SCALE	3/8" = 1'-0"



West Elevation

Bannon Addition

NO.	DESCRIPTION	DATE
1	1.00	1.00
2	2.00	2.00
3	3.00	3.00
4	4.00	4.00
5	5.00	5.00
6	6.00	6.00
7	7.00	7.00
8	8.00	8.00
9	9.00	9.00
10	10.00	10.00
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92	92.00	92.00
93	93.00	93.00
94	94.00	94.00
95	95.00	95.00
96	96.00	96.00
97	97.00	97.00
98	98.00	98.00
99	99.00	99.00
100	100.00	100.00



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			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 (NNU)													
All uses	6,000	60	— ²	—	25	5 ¹	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	1509 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.



155 Charles Street

City of Rochester, NH

1 inch = 60 Feet



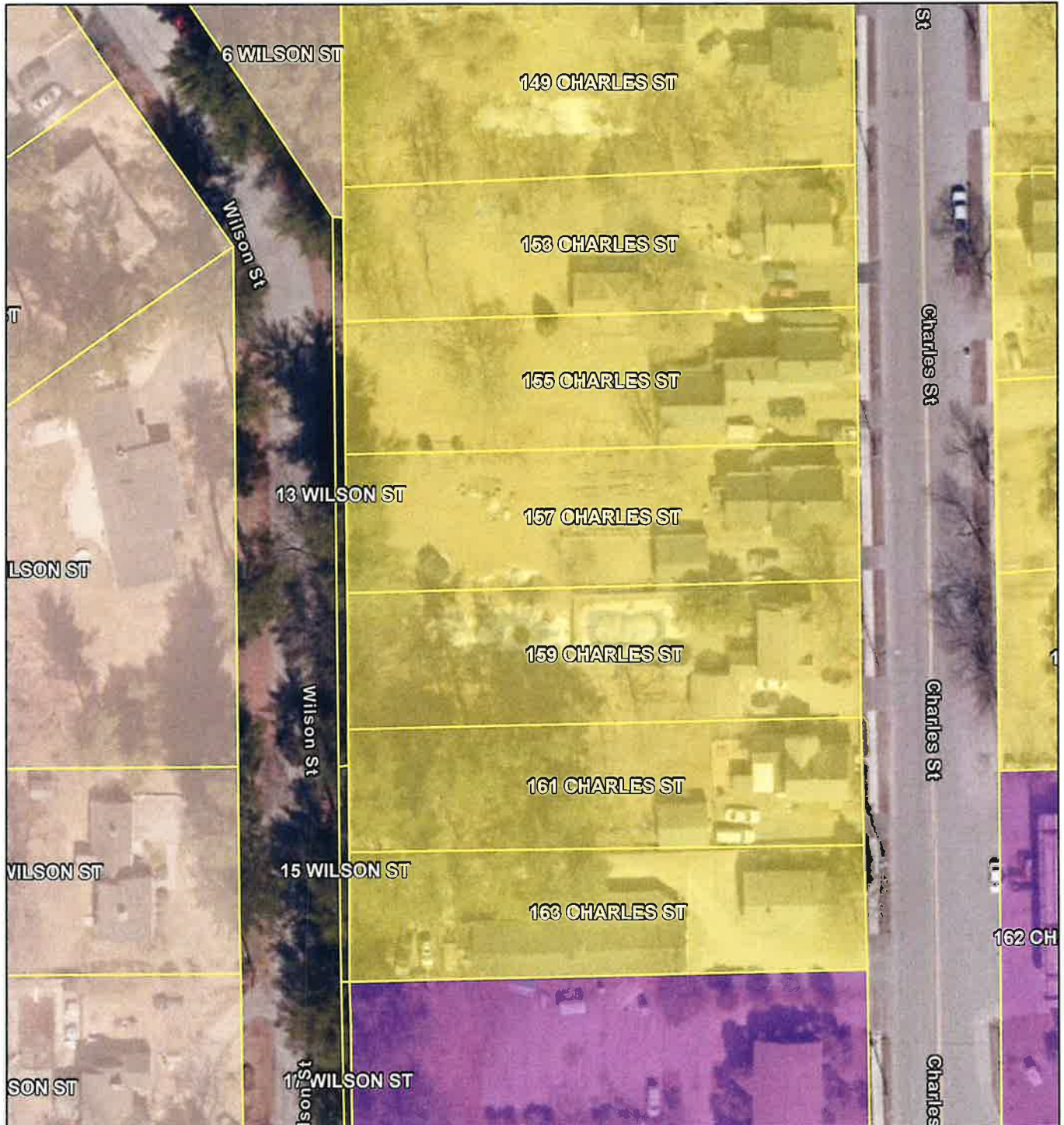
www.cai-tech.com

July 24, 2023



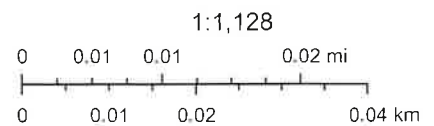
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155 Charles St. Zoning Map



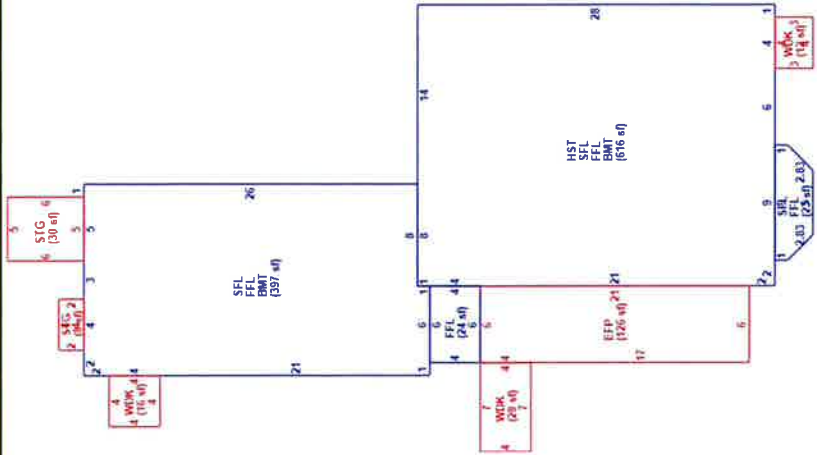
7/24/2023, 9:23:32 AM

- Tax Parcels
- Residential - 2
- Neighborhood Mixed Use
- Residential - 1



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CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)								
Element	Cd	Description	Element	Cd	Description							
Style	16	NEW ENGLAND	Solar	0								
Grade	C+	AVG. (+)	Central Vac	0								
Stories	2.5		Nbhd Modifier									
Units	1		MH Make									
Frame	01	WOOD	MH Serial #		WHITE;							
Foundation	03	BRICK/STONE	Color;Mdl #;D									
Exterior Wall 1	04	VINYL										
Roof Structure	01	GABLE										
Roof Cover	02	RIB/CORR MTL										
View	N	NONE										
Interior Wall 1	06	AVERAGE										
Interior Floor 1	08	AVERAGE										
Basement Flo	12	CONCRETE										
Bsmt Garage												
Finished Bsmt	0											
FBLA												
Rec Room												
Electric	03	TYPICAL										
Insulation	02	TYPICAL										
Interior/Exterior	SAME	SAME										
% Heated	100.00											
Heat Fuel	01	OIL										
Heat Type	01	FORCED W/A										
AC Percent	0.00											
Bedrooms	5											
Full Bath(s)	1											
3/4 Bath(s)	1											
Half Bath(s)	0											
Extra Fixture(s)	1											
Kitchen(s)	1											
Extra Kitchen(0											
Total Rooms	9											
Fireplace(s)	0											
WS Flues	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	22	28	C	GD	1901	57	24.45	1.00	8,600
BUILDING SUB-AREA SUMMARY SECTION												
Code	Description		Living Area	Floor Area	Eff Area	Unit Cost	Undepreciated Value					
BMT	BASEMENT		0	1,013	253	23.79	24,100					
EPF	ENCL PORCH		0	126	0	76.19	9,600					
FFL	1ST FLOOR		1,060	1,060	1,060	95.26	100,972					
HST	HALF STORY		308	616	308	47.63	29,339					
SFL	2ND FLOOR		1,036	1,036	1,036	95.26	98,686					
STG	FRAME SHED BULKHEAD/FRAM		0	38	0	32.02	1,217					
WDK	WOOD DECK		0	56	0	22.55	1,263					
Ttl Gross Liv / Lease Area			2,404	3,945	2,657	265,177						



Owner1	Owner2	BillingAddress	City State Zip
GIGUERE ANTHONY R & RICHARD A		157 CHARLES ST	ROCHESTER, NH 03867-3422
ARANOSIAN OIL COMPANY INC		557 N STATE ST	CONCORD, NH 03301-3236
ELLIOTT FAY A		159 CHARLES ST	ROCHESTER, NH 03867-3422
BANNON CHRISTOPHER A &	BANNON REBECCA O	155 CHARLES ST	ROCHESTER, NH 03867-3422
GIBBS RICHMOND T		156 CHARLES ST	ROCHESTER, NH 03867-3421
RADEMACHER JOHN MICHAEL		11 WILSON ST	ROCHESTER, NH 03867-3441