



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. 2-23-14

DATE FILED 4/19/23

C91
ZONING BOARD CLERK

Applicant:

Ivan Geschwindner

E-mail: toddhascrabs@yahoo.com

Phone: 603-973-3801

Applicant Address: 59 Church Street Rochester NH 03839

Property Owner (if different):

Property Owner Address: 59 Church Street Rochester NH 03839

Variance Address: 59 Church Street Rochester NH 03839

Map Lot and Block No: Map 142 Lot 35

Description of Property: Single family home with attached Garage

Proposed use or existing use affected:

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section Table P-1A

and asks that said terms be waived to permit Demo of old garage due to failing

Cinder block foundation. Demo breeze way and replace with new
structure with 10 feet expansion forward and left expansion back.

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:

4-18-23



City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Criteria

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

it is on existing structure with a failing cinderblock foundation. It is outdated and I am concerned for the safety of my attached house, on neighbor's property, and people's safety. I would like to update to new construction and expand footprint to make the house/lot prettier.

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

it is on existing structure that I am concerned will become more dangerous if not taken care of. I was looking to expand the footprint a little to make the house more pleasing from the Church Street view.

3) Granting the variance would do substantial justice because:

of the safety concern to the foundation. Does it make sense for me to Demo the garage and replace it with all new or, be denied, leave the garage alone, let it fall over doing damage to property, people, and municipalities

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

Instead of an old, ~~not~~ dangerous, dated Garage, the lot would get a new garage and footprint expansion with an updated look that I think would actually add value to 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:

The zoning ordinance is there to protect individuals from encroachment and a "house to house" scenario. This is not the case since the property line is driveway which prevents the house to house scenario

And:

ii. The proposed use is a reasonable one because:

it is on existing structure that is already in use. The structure does abut the property line but there is not a structure to structure situation in this instance. Also, going larger adds home and tax value

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.

I have to move my garage? My driveway? I don't have room to do that either. There are no houses close to remotely be affected. My neighbor in 41 Church Street has the same issue and we are in violation for a line that is basically a driveway? The slope that has to be used to hold the cinderblock foundation is causing the water to run down the neighbors driveway. by expanding and updating those pitches can be alleviated making a new look.



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 structure is already existing but failing. By allowing the structure to be demoed and rebuilt to current code standards provides safety to other properties in terms of structural integrity.
- 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.)
NO

- 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: I will come with pictures, letters, and other information for presentation.

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



About

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The data sh
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Result

at (US)



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. ID)]

	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 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	See Article 19, Dimensional Standards
All other uses	10,000	100	—	10		10	20	30%			35	
Residential-2 (R2)												
Single-family	6,000	60	—	10			20	30%			35	See Article 19, Dimensional Standards
Two-family	9,000	80	—	10		8	20	30%			35	See Article 19, Dimensional Standards
Three- and four-family	12,000 and 15,000	80	—	15		10	25	30%			35	See Article 19, Dimensional Standards
Five- or more family	30,000	100	5,000 or 7,500	15		10	25	30%			35	See Article 19, Dimensional Standards
All other uses	9,000	80	—	10		8	20	30%			35	
Neighborhood Mixed Use (NMU)												
All uses	6,000	60	— ²	—	25	5 ⁴	20		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	See Article 19, Dimensional Standards
Single-family, conventional subdivision, municipal water or sewer	30,000	150	—	20		10	20	30%			35	See Article 19, Dimensional Standards
Single-family, conventional subdivision, neither municipal water nor sewer	45,000	150	—	20		10	20	30%			35	See Article 19, Dimensional Standards
Two-family	150% of single	150	—	20		10	20	30%			—	See Article 19, Dimensional Standards
Single-family dwelling - conservation subdivision	6,000	60	—	20		10	20				35	See Article 33, Conservation Subdivisions
All other uses	45,000	150	5,000 or 7,500	20		10	20				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.



1 inch = 47 Feet



CAI Technologies
Precision Mapping. Omnipetal Solutions.

April 20, 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.

Owner1	Owner2	BillingAddress	City State Zip
LAROSE PRISCILLA		57 CHURCH ST	ROCHESTER, NH 03839-5243
KENNEDY LEROY V & VICKI		56 CHURCH ST	ROCHESTER, NH 03839
GESCHWINDNER IVAN &	OUELLETTE RIANNA	59 CHURCH ST	ROCHESTER, NH 03839-5243
WOOD WILLIAM L & BETTY ANN		4 CRETEAU ST	ROCHESTER, NH 03867
KURDT AUGUST & LISA		59 B CHURCH ST	ROCHESTER, NH 03839-5243
CONNELLY JEREMY P & DAWN M		54B CHURCH ST	ROCHESTER, NH 03839-5200

