



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. 2-23-27

DATE FILED 7/12/23

CJ
ZONING BOARD CLERK

Applicant:

Katie Hespelein & Matt Restivo

E-mail: katie@khlcmhc.com

Phone: 603-361-4675

Applicant Address: 2 Pawtucketts Way

Property Owner (if different): _____

Property Owner Address: 2 Pawtucketts Way

Variance Address: 2 Pawtucketts Way

Map Lot and Block No: 0257-0030-0000

Description of Property: .44 acre lot containing single family home

Proposed use or existing use affected: construct a new deck

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

and asks that said terms be waived to permit construction of deck without having 20 foot setback

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: Katie Hespelein

Date: 7/12/23





City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Criteria

1) Granting the variance would not be contrary to the public interest because:
the property line has an irregular shape that results in an impractical deck design due to limited space. The deck will not impact the privacy of neighboring properties. The previous deck was not up to code and was unsafe. The new deck will be built to code and poses no safety risk to the public.

2) If the variance were granted, the spirit of the ordinance would be observed because:
the building of the deck will not infringe on another neighbor's privacy and/or views.
The set back for the deck is against common land and does not infringe on a neighbor's property.

3) Granting the variance would do substantial justice because:
it will not impede on neighbors access to common land. It does not cause any harm to neighboring properties. The house will not lose its property value. The stairs/deck are needed to safely access the side door in a reasonable manner and/or in the event of an emergency.

4.) If the variance were granted, the values of the surrounding properties would not be diminished because:
the rebuilding of the deck adds property value which is beneficial to the owner and surrounding properties. It adds aesthetic appeal and would no longer be a safety hazard. As the new deck is replacing the original one, it will continue to align with the characer of the neighborhood and be consistent with surrounding properties.

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:

the property line makes it unique and distinguishable from others in the area. Even with the approved variance, the deck would not interfere with neighboring properties. It would not affect their privacy, light, or views in any way.

And:

ii. The proposed use is a reasonable one because:

the variance would allow construction of the deck which provides a usable outdoor living area. Otherwise the property is not able to be fully utilized. The house is just under 21 feet setback from the property line and with current setback regulations, no construction can occur.

The side door of the house is rendered unusable and is a safety issue.

b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owning 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.

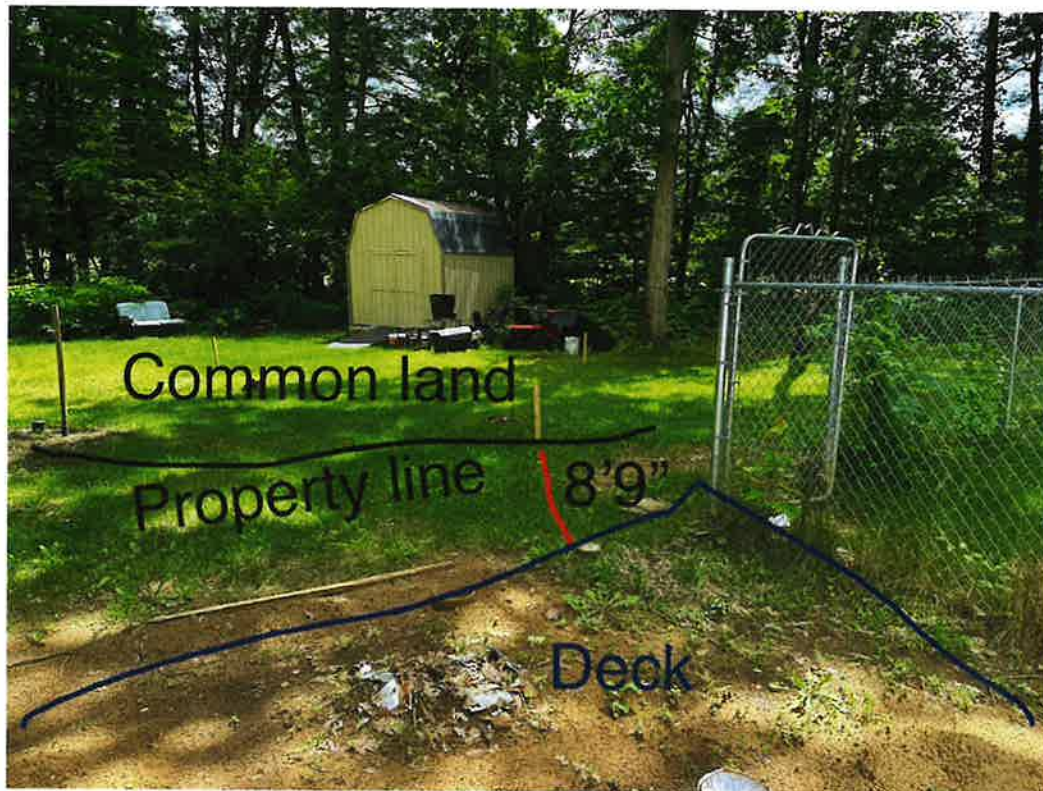
We bought our house at 2 Pawtucketts Way a year ago. During the initial inspection, it became evident that the deck posed a safety concern and required reinforcement. Upon further inspection by a qualified professional, it was determined that reinforcing was not feasible and the deck needed to be completely re-built. The original deck was not built to code, which explained why it was in such poor condition.

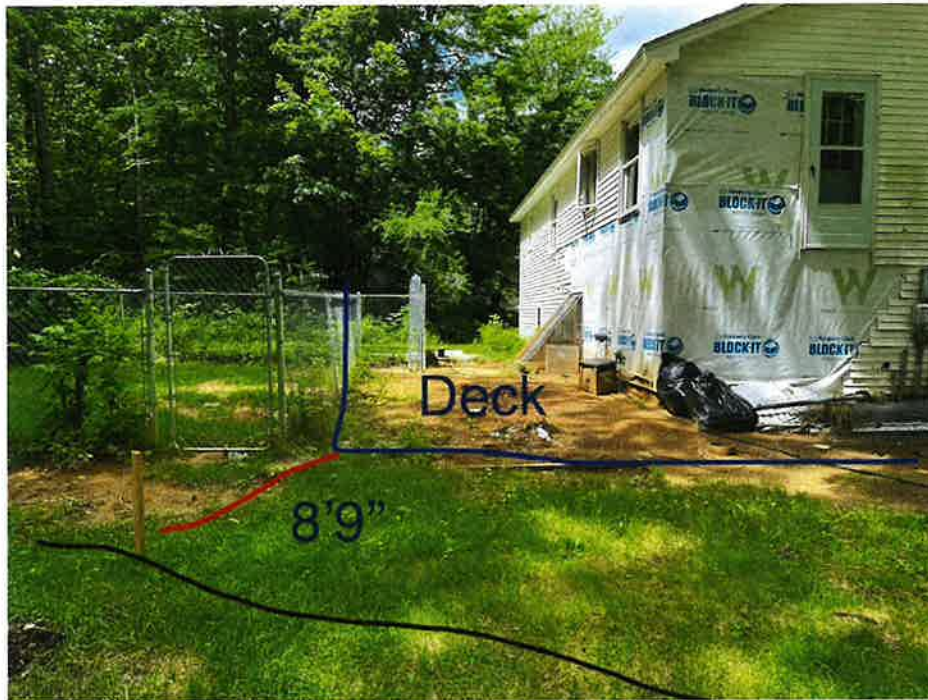
We hired a licensed professional to ensure the deck will be built properly and adhere to all building codes. The new deck will be in the same place as the original deck. Upon applying for the permit, we found out that the house does not have the adequate setback required for the deck. The house is just under 21 feet from the property line. The angled shape of the property line makes it impractical to adhere strictly to the setback requirement. Without the variance, it would not allow any construction of a deck and/or stairs to access the house due to the current regulation of the 20 foot setback. Strict adherence to the setback would limit the ability to utilize the space effectively. The deck will have an 8 foot 9 inch setback from the property line.

Should the variance be approved, it allows us to build a deck that is safe and up to code, unlike the original deck. Our intention is to enhance the livability and enjoyment of our home, while also adding functional outdoor space. It is important to us to maintain the aesthetic appeal of our neighborhood and align with the surrounding properties in terms of design and height.

The setback only affects common land and has no negative impact on neighboring properties. Our deck will not encroach upon their privacy or obstruct their views. Additionally, it will not impede their access to the common land. Granting the variance will enable the installation of a set of stairs that will provide safe access to our side door.

In summary, the approval of the variance would allow us to make effective use of our property while ensuring that we do not disrupt or inconvenience our neighbors. We are committed to building a deck that meets all safety standards and adds value to our home, enhancing both its functionality and aesthetic appeal.





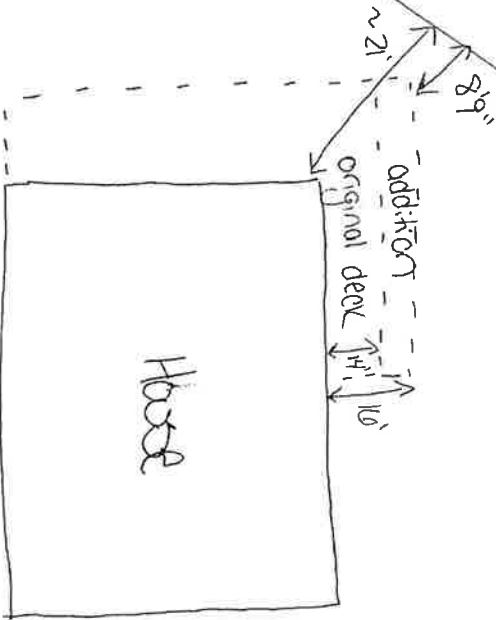
Blue writing says: "original deck 14' out, new deck is 16' out"
 Red writing by house says: "20 feet from corner of house to line"



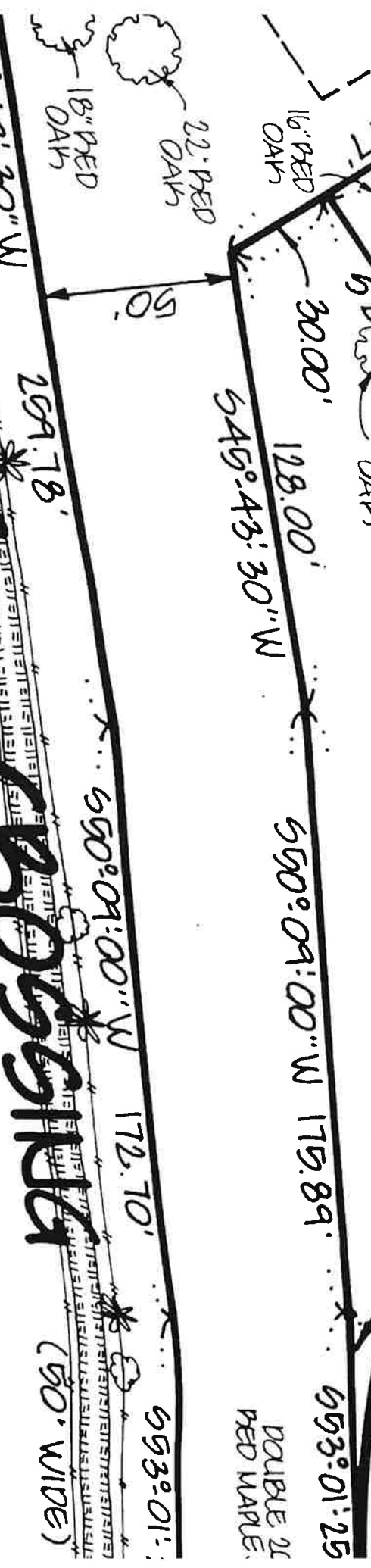
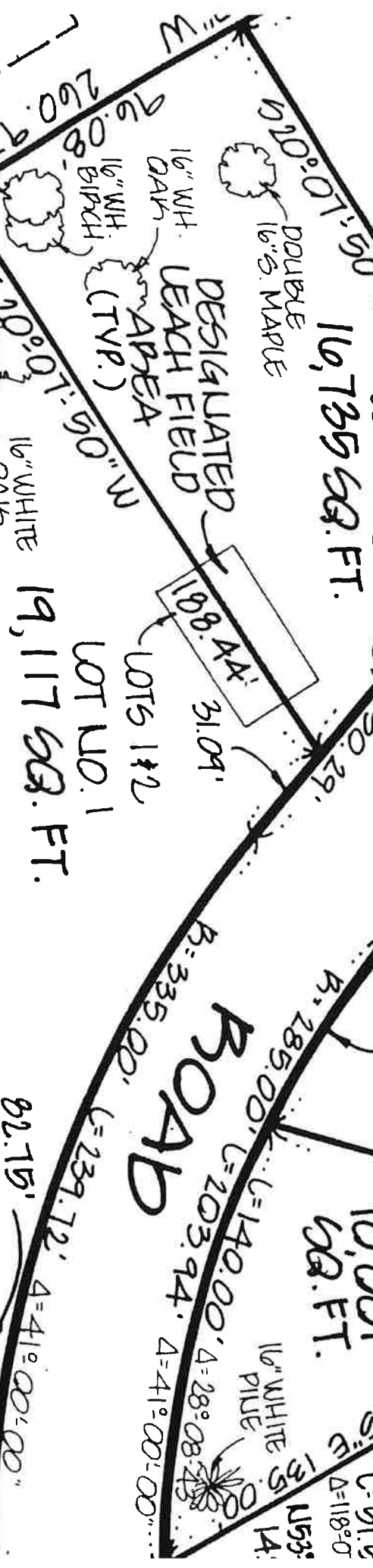
Road

Common land

Common land



4
Roughly
way



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 (NMU)													
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	150% of single	150	—	20		10	20	30%	40%			—	See Article 19, Dimensional Standards
Single-family dwelling - conservation subdivision	6,000	60	—	20		10	20		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.



2 Pawtuckets Way

City of Rochester, NH

1 inch = 60 Feet



www.cai-tech.com

July 24, 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 HESPELEIN KAITLYN RESTIVO MATTHEW 2 PAWTUCKETTS WAY ROCHESTER NH 03867	UTILITIES		TOPO		ZONING		CURRENT ASSESSMENT		VISION		
	0 CITY WATER R	0 LEVEL	A AGRICULTURAL		NHBG NAME		LUC Co Prior Assessed		Current Assesse		
	0 PROPANE	NEIGHBORHOOD		1304		AVG TO GD SOUTH M		101 147,500		147,500	
	0 SEPTIC	EXEMPTIONS		Year Code		Description		101 61,800		61,800	
	UTL/ ST / TRAF		Year Code		Description						
0 INONE		0 PAVED		0 LIGHT		LEGAL DESCRIPTION					



SALES INFORMATION- GRANTEE				BOOK/PAGE	SALE DATE	SALE PRICE	SALE CODE	PREVIOUS ASSESSMENTS (HISTORY)			
HESPELEIN KAITLYN	5045	644	06-30-2022		335,000	02		Year	Descti	Prior Assesse	Year
DEMERS RYAN P & JANET M	4150	679	07-24-2013		159,000	02		2020	BLDG	2021	2022
LOHOUSE CHRISTOPHER J	2500	450	04-29-2002		162,000	02			LAND	147,500	147,500
POULIN GERARD M	2459	689	01-14-2002		122,000	51				61,800	61,800
PRATT JEFFREY & MARIE	2097	348	04-13-1999		103,000	51					
Total								Total			
								209,700			
								209,300			

BUILDING NOTES				APPRAISED VALUE SUMMARY			
LOT 1				Appraised Building Value (Card)			
				Appraised Extra Feature Value (Bldg)			
				Appraised Outbuilding Value (Bldg)			
				Appraised Land Value (Bldg)			
				Total Appraised Parcel Value			
				Valuation Method			
				Total			
				209,300			
				209,300			

BUILDING PERMIT RECORD				VISIT / CHANGE HISTORY			
Issue Date	Permit Id	Description	Price	Insp Date	% C	Stat	Notes
06-30-2022	M-22-284	BOILER	16,248		0	O	Installation of a gas boiler
				Total Appraised Parcel Value			
				209,300			

LAND LINE VALUATION SECTION																				
B	LUC	Description	LandU	Land Type	Loc Adj	UnitPric	Size Adj	Cond	Nbhd	Nb Adj	Inf1	Inf1 Adj	Inf2	Inf2 Adj	Inf3	Inf3 Adj	Adj UnitPrice	Appraised Value	Assessed Value	Notes
1	1010	SINGLE FA	0.440	PRIMARY	P	1.000	67,500.	2.08182	1.00	1304	1.000						140,521.	61,800	61,800	
													</							

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
BUILDING SUB-AREA SUMMARY SECTION												
Code	Description			Living Area	Floor Area	Eff Area				Unit Cost	Undepreciated Value	
BMT	BASEMENT			0	966	242				32.00		30,909
CNP	CANOPY			0	66	0				16.11		1,063
FFL	1ST FLOOR			1,002	1,002	1,002				127.72		127,978
STP	STOOP			0	18	0				17.25		311
WDK	WOOD DECK			0	250	0				22.55		5,638
Totl Gross Liv / Lease Area				1,002	2,302	1,244						165,899

Print using Adobe Reader with "Actual size" setting

HESPELEIN KAITLYN RESTIVO MATTHEW 2 PAWTUCKETTS WAY ROCHESTER, NH 03867		
ANDERSON TANA L 5 PAWTUCKETT WAY ROCHESTER, NH 03867-4642		
BIRCH DEAN M & LAURA R 3 PAWTUCKETTS WAY ROCHESTER, NH 03867-4642		
PICKERING WOODS HOME OW... ASSOCIATION NA , 00000		
HASELER KIERAN KOSTRZYNSKI HELEN K 1 PAWTUCKETTS WAY ROCHESTER, NH 03867		
DAVIS GEORGE T & CLAUDETT... 4 PAWTUCKETT WAY ROCHESTER, NH 03867-4640		