



# 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. 2-23-18

DATE FILED 6/21/23

CJ

ZONING BOARD CLERK

Applicant:

Tim and Sue Wilson

E-mail: pottershousbakery@icloud.com

Phone: 603-948-1229

Applicant Address: 10 Chestnut Hill Road

Property Owner (if different): \_\_\_\_\_

Property Owner Address: 3 Evergreen Lane, Rochester, NH 03867

Variance Address: 10 Chestnut Hill Road

Map Lot and Block No: 0113-0020

Description of Property: 2 unit commercial building

Proposed use or existing use affected: adding a security apartment to the rear of the building

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section 23.2.A(1)(k)

and asks that said terms be waived to permit an additional 68 square feet to the security apartment. The ordinance

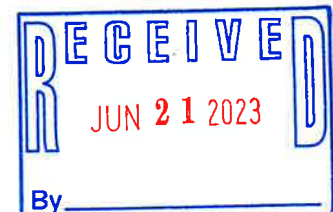
allows for a security apartment of 800 square feet. The total living area would be 868 square feet.

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:

Sue Wilson

Date: 6-21-23





# 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 would provide security for the property and would also provide a security presence for surrounding commercial properties where one does not already exist.

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

It would support the principle use of the property and encourage the well being of the business by having the owners on site 24 hours a day. The building footprint will be not be altered.

3) Granting the variance would do substantial justice because:

It will benefit the property owners and it will not cause harm or loss to the general public. Adding a security department to will provide added security to the neighborhood businesses.

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

The construction is interior. The property will remain unchanged. No exterior modifications are being proposed.

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:

Hardship would result from the existing interior layout of the building when purchased. We would like to keep the same footprint without moving walls which would give us an additional 68 SF. The intent of the ordinance is still consistent.

And:

ii. The proposed use is a reasonable one because:

The business is already existing in the building and given the interior configuration it is a way to provide a secure housing solution within the existing foot print with the existing walls already in place before purchase.

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.

When Sue and I returned to Rochester after more than 20 years of pastoral ministry, we were uncertain about what the coming years might bring and what the next leg of our life journey would look like.

I started out working temporarily for my cousin who operates a catering business here in Rochester. Sue landed a position working with an organization (CARD, Center for Autism and Related disabilities) helping young adults on the Autism Spectrum gain soft job skills preparing them for gainful employment.

As fate would have it, I sent along some baked goods for the CARD team members and the director immediately and enthusiastically proposed that we open bakery that could double as job training site for her students. Initially we were amused, but we underestimated how persuasive Cindy could be!

Within weeks we were putting out feelers and asking ourselves if this could possibly be the beginning of a new adventure. Before long we were checking out potential properties, crunching numbers, and raising capital to open a bakery.

We named the business "The Potters House Bakery and Cafe", inspired by the Old Testament prophet Jeremiah who said,

"So I went down to the potter's house, and I saw him working at the wheel. But the pot he was shaping from the clay was marred in his hands; so the potter formed it into another pot, shaping it as seemed best to him."

Admittedly we took this passage out of context, but we were struck by the imagery of potter, who took a vessel that was imperfect and reshaped it into something useful. We adopted the Pottery motif and articulated our mission statement "Helping vessels of clay inhabit the world in ways that are productive and effective."

From the start our product has been a means to an end. We exist to provide opportunities for young people who struggle with a variety of challenges that in no way minimize their worth or potential for making a valuable contribution to society... "Goodies for Goodness Sake."

We opened our doors at 10 Chestnut Hill Rd. In Rochester, NH on May 2, 2018. After five years of continued growth, we were able to purchase the property and expand our ability to produce. In addition to the bakery expansion, we proposed an Ice Cream shop and a Sensory room that will provide a state of the art safe space for children on the Autism Spectrum to hang out, while their parents and caregivers enjoy a break in a welcoming environment.

This space will be dedicated in memory of Cindy Ziobrowski, the visionary for the Potters House who passed away tragically in 2021. Cindys Room will be available during hours of operation free of charge. We are providing this space as an expression of the priority of our mission.

The remaining 868 ft. Have been allocated as a living space for Sue and I. While it has been suggested that we should reserve this real estate for future expansion or for rental income, we believe that living on site is the best way to manage our limited free time, minimizing maintenance and travel, and also allowing us to provide immediate attention to the challenges of a growing and prosperous business.

Herein lies the problem.. A Rochester city ordinance states that a security apartment of this nature cannot exceed 800 sq. Ft. However, when began laying out plans we attempted to work as closely as possible with existing walls. This resulted in a 68 ft. Overage which is arguably insignificant, but is wrecking havoc with the rigid design. Because we started with an existing space, we are attempting to "make the foot fit the shoe."

A variance would permit us to proceed seamlessly with our plans for a convenient living space and also allow us to begin the construction of the Ice Cream parlor (creating more opportunities with the expansion of our mission) and allow us to finally open Cindy's Room as a gift to the families of special needs kids in our City and beyond.

We trust that this explanation demonstrates the gravity of this request for a variance, which will also serve as reminder that we are supported by our community in our small effort to make a difference in the lives of some of her most treasured residents.

Respectfully,

A handwritten signature in black ink, appearing to read "Jim Albers". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Herein lies the problem.. A Rochester city ordinance states that a security apartment of this nature cannot exceed 800 sq. Ft. However, when began laying out plans we attempted to work as closely as possible with existing walls. This resulted in a 68 ft. Overage which is arguably insignificant, but is wrecking havoc with the rigid design. Because we started with an existing space, we are attempting to "make the foot fit the shoe."

A variance would permit us to proceed seamlessly with our plans for a convenient living space and also allow us to begin the construction of the Ice Cream parlor (creating more opportunities with the expansion of our mission) and allow us to finally open Cindy's Room as a gift to the families of special needs kids in our City and beyond.

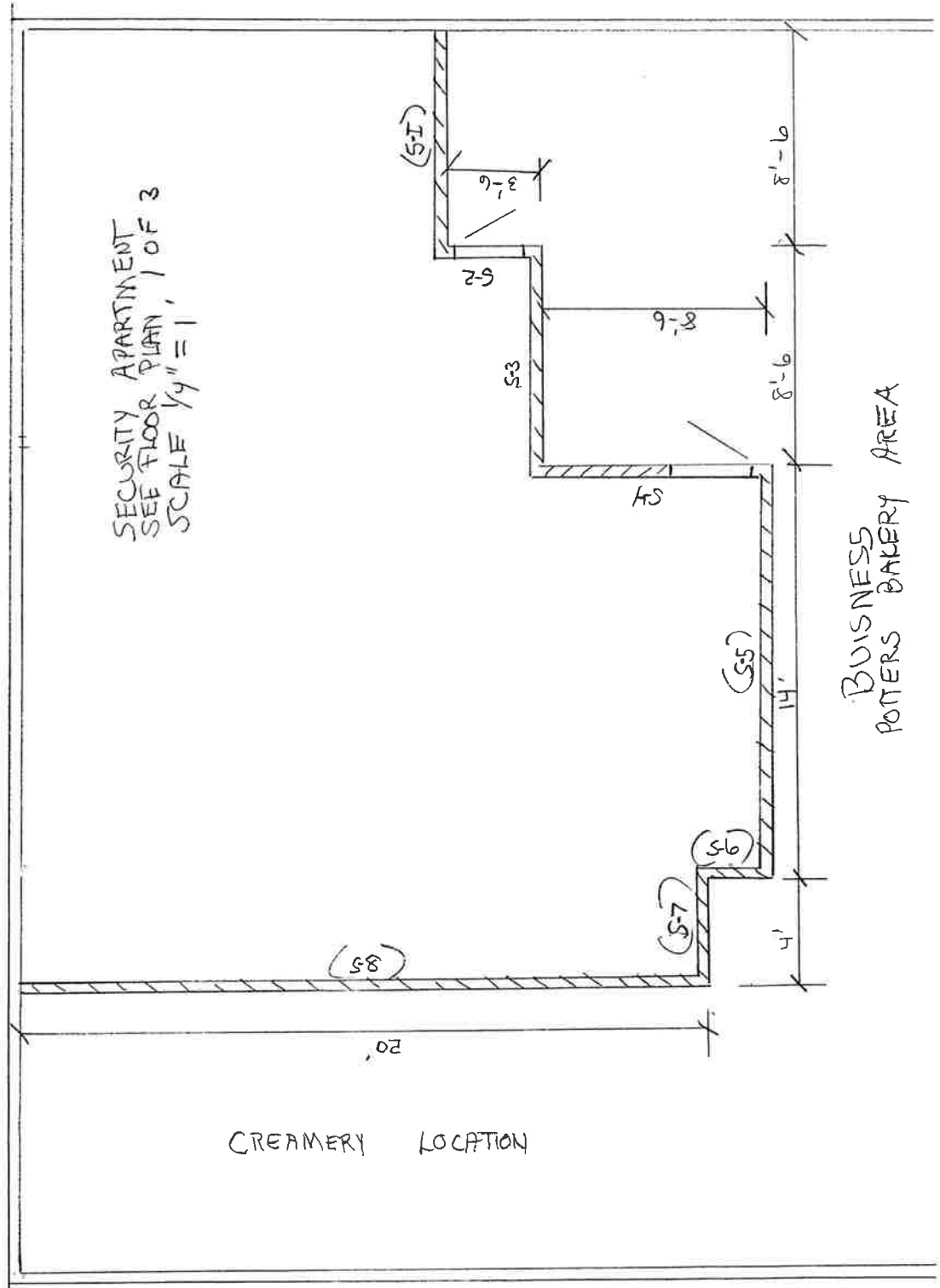
We trust that this explanation demonstrates the gravity of this request for a variance, which will also serve as reminder that we are supported by our community in our small effort to make a difference in the lives of some of her most treasured residents.

Respectfully,

A handwritten signature in black ink, appearing to read "Jim Wilson". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

S.A.C.S. LLC  
PO BOX 43  
UNION N.H. 03887

POTTERS HOUSE BAKERY  
10 CHESTNUT HILL RD  
ROCHESTER N.H. 03867  
FIRE SEPERATION PLAN 1 OF 3 4/18/2023



SECURITY APARTMENT  
SEE FLOOR PLAN 1 OF 3  
SCALE 1/4" = 1'

CREAMERY LOCATION

BUSINESS  
POTTERS BAKERY AREA

S.A.C.S., LLC  
PO Box 43  
UNION NH 03887

PG 2 of 3

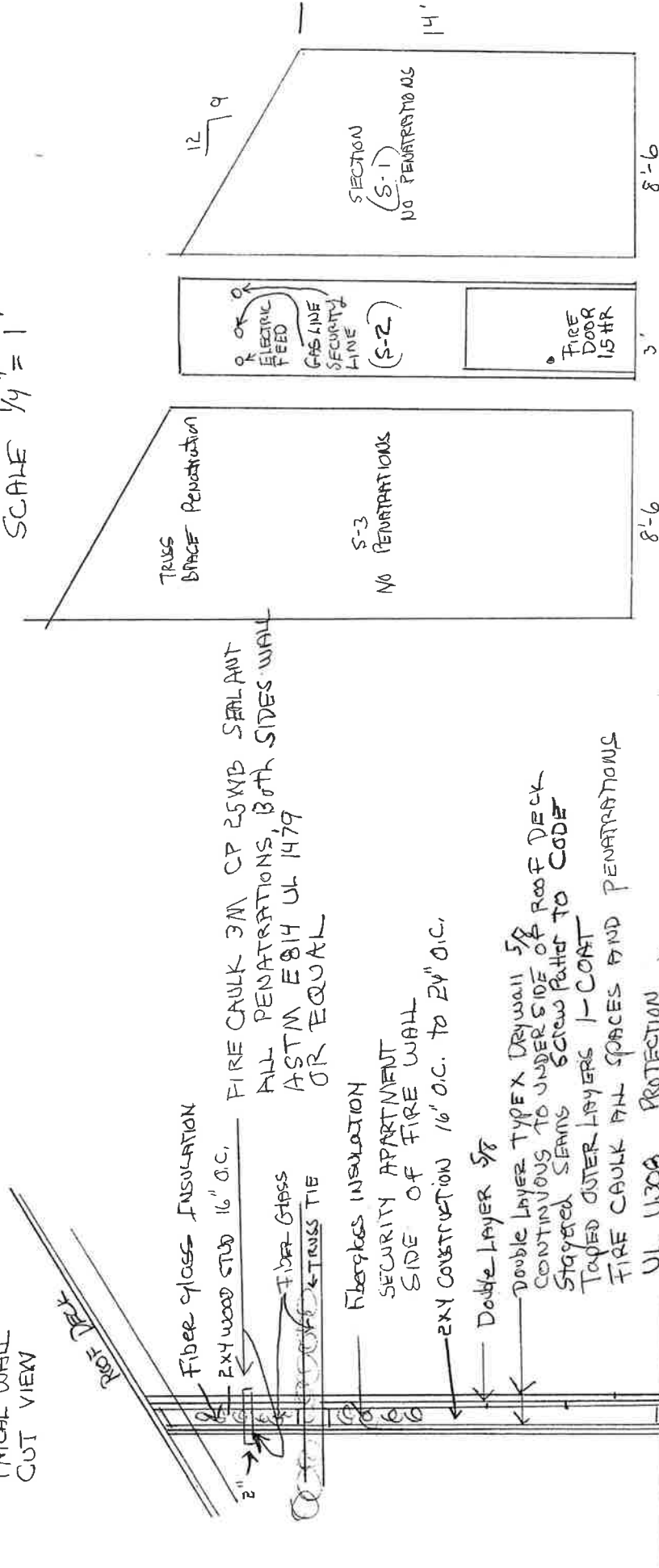
POTTER HOUSE BAKERY  
10 CHESTNUT HILL RD  
ROCHESTER NH 03867

4/18/2023

SCALE 1/4" = 1'

FIRE SEPARATION WALL SECTION  
PLAN 2 of 3  
U308

TYPICAL WALL  
CUT VIEW



FIRE CAULK 3M CP 25NB SEALANT  
ALL PENETRATIONS, BOTH SIDES WALL  
ASTM E814 UL 1479  
OR EQUAL

Fiber Glass Insulation

SECURITY APARTMENT  
SIDE OF FIRE WALL

2x4 CONSTRUCTION 16" O.C. TO 24" O.C.

DOUBLE LAYER 5/8"

DOUBLE LAYER TYPE X DRYWALL 5/8"  
CONTINUOUS TO UNDER SIDE OF ROOF DECK  
STAGGERED SEAMS SCREW FASTEN TO CODE  
TAPED OUTER LAYERS 1-COAT  
FIRE CAULK ALL SPACES AND PENETRATIONS

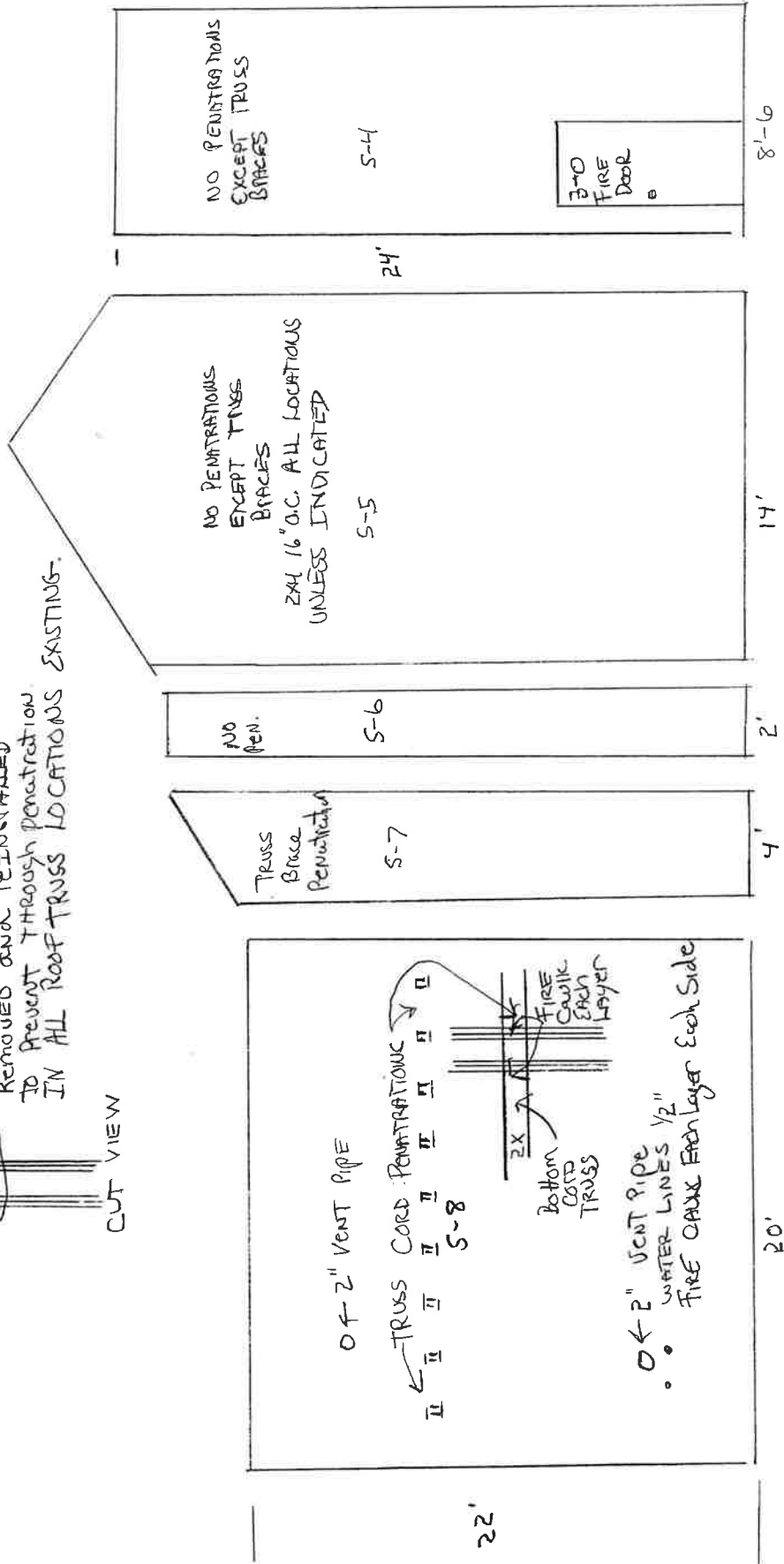
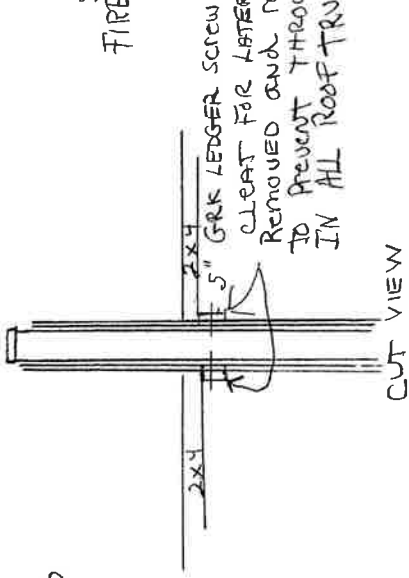
UL U308 PROTECTION  
NO DUST WORE OR VENTING THROUGH FIRE WALL  
PENETRATIONS THROUGH FIRE WALL INCLUDE  
TRUSS BRACES, TOP + BOTTOM CARDS  
GAS LINE, WATER LINE, VENTING SEWER, ELECTRICAL FEED AS SHOWN  
FIRE CAULK ALL PENETRATIONS BOTH SIDES

Pg 3 of 3

S.A.C.S LLC  
PO Box 43  
UNION NH. 03887

POTTERS BAKERY  
10 CHESTNUT HILL RD  
ROCHESTER NH 03867  
4/18/2023  
SCALE 1/4" = 1'

SECTION DRAWING-  
FIRE SEPERATION SECTIONS  
PLAN 3-OF-3





275-23.2**Standards for specific accessory uses.**

**A.**

The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:

**(1)** Accessory apartment. An accessory apartment is permitted subject to compliance with all of the following standards and procedures:

**(k)** If it is a security apartment, it shall not exceed 800 square feet and it shall be attached to or located with an allowed commercial, office or industrial use. Such unit may be occupied by the business owner, family member or employee whose purpose is to provide security and/or protection of the business premises. This use shall require site plan review.



1 inch = 110 Feet



**CAI Technologies**  
Process Mapping • Global Solutions

www.cai-tech.com

June 22, 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

CITY OF ROCHESTER  
WENDCO OF EPSOM INC  
BERGERON SUSAN C &  
J W CHRISTIAN PROPERTY

Owner2

MULLEN JOSEPH L JR REV TRUST &  
MAMAGEMENT LLC

BillingAddress

31 WAKEFIELD ST  
2121 DOVER RD  
P O BOX 3165  
10 CHESTNUT HILL RD

City State Zip

ROCHESTER, NH 00000  
EPSOM, NH 03234-4147  
HARRISBURG, PA 17105-3165  
ROCHESTER, NH 03867

$$\begin{array}{r} \$4.57 \\ \times \quad 3 \\ \hline 13.71 \end{array}$$