



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. 2-24-20

DATE FILED 4/17/24

C91

ZONING BOARD CLERK

Applicant: Darcy Murphy, Trustee Jolly Family Revocable Trust

E-mail: damurphy@rivier.edu

Phone: 781-308-1616

Applicant Address: 354 Boston Rd. Chelmsford, MA 01824

Property Owner: Jolly Family Revocable Trust

Property Owner Address: 283 Old Dover Road Rochester NH 03867

Variance Address: same

Map Lot and Block No: Map No. 256 Lot 69

Description of Property (give length of lot lines): 25-acre residential/agricultural property with 1180 ft. of frontage, 900 ft. from road to back property line.

Proposed use or existing use affected: Proposed use is a detached ADU for elderly homeowners.

The undersigned hereby requests a special exception as provided in section 275-22 23.2.1(1)(a) of the Zoning Ordinance to permit an ADU detached from the single 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: Darcy Murphy

Date: 4/10/24





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: The site is highly suitable for a detached ADU, it is on a spacious 25-acre property with ample set-back from the road, ensuring privacy and no disruption to the neighborhood.

- (2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood. **Yes** **No**

Reasoning: The detached ADU will not be obnoxious or offensive to the neighborhood. It will blend in with the existing property and remain unseen from the road. Neighbors and abutters have expressed their support.

- (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 no nuisance or hazard to traffic. The property's ample set-back ensures that the ADUs presence will go essentially unseen.

There will be no additional residents to the property, only the current elderly residents, therefore no additional cars.

- (4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. **Yes** No Reasoning: Adequate facilities and utilities will be provided to ensure the proper operation of the ADU. A new septic system will be installed, and a septic specialist will ensure compliance with all relevant codes.

- (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 is consistent with the spirit of the ordinance and the Master Plan's intent. It aligns with the goal of providing options for aging residents to age in place with dignity and safety.

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

Applicant: The Jolly Family Revocable Trust of 2022 (the "Applicant")
Property: Map No. 256, Lot 69
Relief: Special Exception from Rochester Zoning Ordinance 275-23 (Standards for Specific Accessory Uses) Section A, 1, a.

History and Rational

The property at issue is located at 283 Old Dover Road, Tax Map No. 256, Lot 69 (the "Property"). The Property consists of 25 acres and has 1180 feet of frontage. The Property has been owned and occupied by its current residents, Christine and Leander Jolly, aged 83 and 88, since 1968.

The approval of a special exception in this unique case will not set an unwanted precedent. The combination of a 25-plus acre property with long-term residents of nearly six decades is exceptionally rare. This particular circumstance is characterized by the homeowners' specific needs due to age-related safety concerns, making it an exceptional and justified case for granting the special exception.

Additionally, the decision not to tear down the existing single-family home is rooted in deep sentimental attachment. While the home will not be occupied, it holds significant emotional value for the elderly residents who have cherished it as their family home for generations. The thought of demolishing such a meaningful structure is understandably distressing for them, and preserving it reflects a compassionate understanding of their sentiments.

However, it's important to emphasize that the proposed ADU is a temporary addition, serving the sole purpose of providing a safe and accessible living arrangement for the elderly residents during their remaining years. There are no plans for permanent occupancy or long-term use of the ADU beyond the lifespan of its intended residents. Upon their passing, the ADU will be respectfully removed, ensuring that the property returns to its original state in accordance with the city's regulations.

This approach strikes a balance between honoring the residents' emotional attachment to their home and addressing their immediate housing needs, all while ensuring that the proposed ADU does not create a long-term impact or unwanted precedent in the community.

VARIANCE CRITERIA

1. Is the specific site an appropriate location for the proposed use of structure:

Yes, the specific site is exceptionally suited for the proposed detached accessory dwelling unit (ADU). Situated on a 25-acre property with substantial setback from the road, it provides the ideal setting for accommodating the needs of elderly residents seeking to age in place with dignity and safety. The expansive nature of the property ensures privacy and tranquility while allowing for the seamless integration of the ADU without disrupting the visual harmony of the neighborhood.

2. Is the proposal detrimental, injurious, obnoxious, or offensive to the neighborhood:

No, the proposal is not detrimental or offensive to the neighborhood; rather, it embodies a compassionate and practical solution to a pressing issue. The elderly residents, who have called this property home for six decades, are at risk of serious injury due to the existing home's lack of handicap accessibility and multiple sets of stairs. Denying this special exception would force them to continue living in an unsafe environment, which is far more injurious than the discreet addition of a detached ADU.

3. Will there be undue nuisance or serious hazard to pedestrian or vehicle traffic, including the location and design of access ways and off street parking:

No, there will be no undue nuisance or hazard to traffic. The ADU will be strategically placed and will have no impact on pedestrian or vehicle traffic. Additionally, adequate off-street parking will be provided, ensuring smooth access for residents and visitors without causing any disruptions or hazards.

4. Will adequate and appropriate facilities and utilities be provided to ensure the proper operation of the proposed use or structure:

Yes, adequate facilities and utilities will be meticulously planned and implemented to guarantee the proper operation of the ADU. This includes the installation of a new septic system, which will be overseen by a specialist to ensure compliance with all codes and standards. Other utilities necessary for the ADU's functioning will also be seamlessly integrated, ensuring a safe and comfortable living environment for the elderly residents.

5. Is the proposed use or structure consistent with the spirit of the ordinance and the intent of the master plan:

Yes, the proposed use of a detached ADU aligns perfectly with the spirit of the ordinance and the intent of the master plan. It upholds the principle of supporting aging residents to age in place while maintaining the character and integrity of existing neighborhoods. Denying this special exception would contradict the compassionate goals of the ordinance and the master plan, depriving long-time residents of the opportunity to live out their golden years with dignity and safety.

Granting the special exception for the detached ADU on this specific site is not only appropriate but also crucial for ensuring the well-being and security of the elderly residents. It embodies the values of compassion, practicality, and community support, all of which are fundamental to the spirit of the ordinance and the master plan.

Instructions:

- ✓ 1) Show the Property lines and road(s).
- ✓ 2) Show the proposed Structure and all existing structures.
- ✓ 3) Show the Measurements from the proposed structure to all lot lines, measure straight through existing structures if needed.
- ✓ 4) Include the dimensions of the proposed structure. 16' 60
- 5) If installing a fence - show the location.

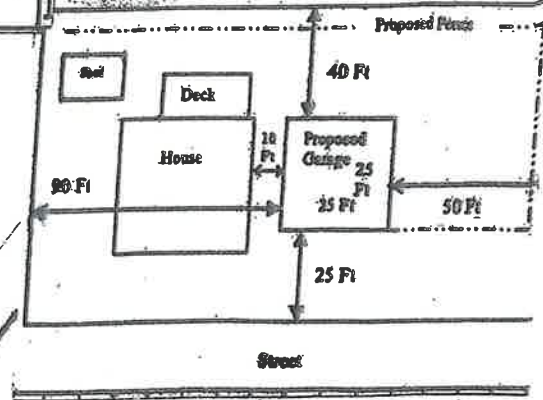
Sketch Plan

Jolly Farm

283 Old Dover Road

Proposed ADU

Sample Plan:



71-1
7.84 AC

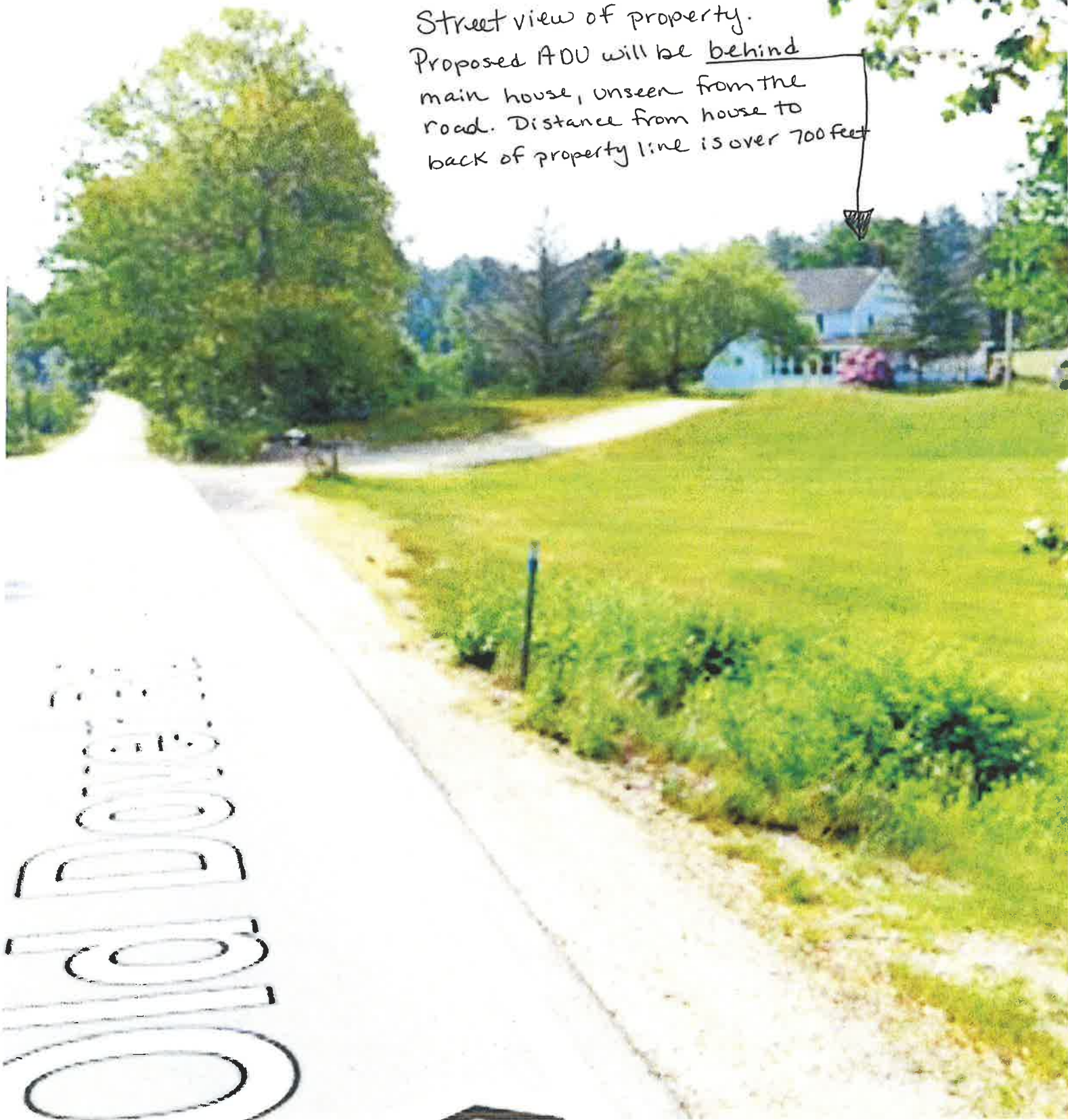
18 AC

1-37 Me

88-00141

**CITY OF
ROCHESTER
(LANDFILL)**

Street view of property.
Proposed ADU will be behind
main house, unseen from the
road. Distance from house to
back of property line is over 700 feet



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:[Amended 4-4-2017]

(a) It is permitted where and as specified in the Tables of Uses (by right or by special exception). However, if the accessory dwelling is detached from the single-family dwelling, it must be approved by a special exception;

(b) It is accessory to a single-family dwelling only and if detached from the single-family dwelling it is similar in architectural style;

(c) It must be two bedrooms or less;

(d) It may not exceed 800 square feet;

(e) It may be either part of the single-family dwelling or in a separate building, such as above a garage; if it is part of the single-family dwelling, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit;[Amended 3-5-2019]

(f) There may be only one per lot;

(g) The owner of the property must occupy one of the dwelling units and the owner must demonstrate that one of the dwelling units is his/her principal place of residence;

(h) At least one parking space must be provided for the unit;



283 Old Dover Road

City of Rochester, NH

1 inch = 220 Feet



www.cai-tech.com

April 17, 2024



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.

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd	Description	Element	Cd	Description		
Style	08	COLONIAL	Solar	0			
Grade	C	AVERAGE	Central Vac	0			
Stories	2		Nbhd Modifier				
Units	1		MH Make				
Frame	01	WOOD	MH Serial #		BLUE;		
Foundation	03	BRICK/STONE	Color/Mdl #;D				
Exterior Wall 1	04	VINYL					
Roof Structure	01	GABLE					
Roof Cover	01	ASPH SHINGLE					
View	N	NONE					
Interior Wall 1	06	AVERAGE					
Interior Floor 1	08	AVERAGE					
Basement Flo	12	CONCRETE					
Bsmt Garage	0						
Finished Bsmt							
FBLA							
Rec Room							
Electric	04	BELOW AVG					
Insulation	02	TYPICAL					
Interior/Exterio	INF	INF					
% Heated	100.00						
Heat Fuel	01	OIL					
Heat Type	01	FORCED W/A					
AC Percent	0.00						
Bedrooms	3						
Full Bath(s)	1						
3/4 Bath(s)	0						
Half Bath(s)	0						
Extra Fixture(s)	0						
Kitchen(s)	1						
Extra Kitchen(	0						
Total Rooms	5						
Fireplace(s)	2						
W.S.Elues	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
50	POLE BARN	L	1	24	30	C	AV	2013	80	20.40	1.00	11,800
01	SHED FRAME	L	1	8	8	D	FR	2006	65	28.15	0.87	1,000
04	GARAGE FR	L	1	16	27	C	AV	1994	80	25.75	1.00	8,900
58	WORKSHOP	L	1	12	16	C	AV	1992	60	37.50	1.00	4,300
04	GARAGE FR	L	1	15	16	D	AV	1990	80	25.75	0.87	4,300
01	SHED FRAME	L	1	12	12	C	AV	1985	50	28.15	1.00	2,000
01	SHED FRAME	L	1	8	10	E	FR	1985	45	28.15	0.75	800
10	CANOPY	L	1	11	20	C	AV	1980	50	14.80	1.00	1,600
04	GARAGE FR	L	1	28	45	C	FR	1960	55	25.75	1.00	17,800
45	LEAN TO	L	1	360	1	D	AV	1960	50	4.51	0.87	700
50	POLE BARN	L	1	25	30	F	ER	1960	45	20.40	0.75	5,200

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undepreciated Value
BMT	BASEMENT	0	740	185	21.27	15,743
EFF	ENCL PORCH	0	780	0	65.06	50,747
FFL	1ST FLOOR	740	740	740	85.10	62,971
SFL	2ND FLOOR	740	740	740	85.10	62,971
STG	FRAME SHED BULKHEAD/FRAM	0	49	0	27.34	1,340
Ttl Gross Liv / Lease Area		1,480	3,049	1,665		193,772

Land Use 0160
Print Date 11/2/2023 5:44:01 PM

Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)								
Element	Cd	Description	Element	Cd	Description							
Style			Solar									
Grade			Central Vac									
Stories			Nbhd Modifier									
Units			MH Make									
Frame			MH Serial #									
Foundation			Color;Mdl #;D									
Exterior Wall 1						CONDO DATA						
Roof Structure			Condo Main				Complex #					
Roof Cover												
View			Adjust Type			Building #						
Interior Wall 1			Condo Floor			Section #						
Interior Floor 1			Condo Location			% Owner						
Basement Flo						COST / MARKET VALUATION						
Bsmt Garage												
Bsmt Garage												
Finished Bsmt												
FBLA												
Rec Room												
Electric												
Insulation												
Interior/Exterio												
% Heated												
Heat Fuel												
Heat Type												
AC Percent												
Bedrooms												
Full Bath(s)												
3/4 Bath(s)												
Half Bath(s)												
Extra Fixture(s)												
Kitchen(s)												
Extra Kitchen(												
Total Rooms												
Fireplace(s)												
W.S.Feet												
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
45	LEAN TO	L	1	20	52	D	FR	1940	45	4.51	0.87	1,800
46	FLAT BARN	L	1	3552	1	E	FR	1940	45	24.45	0.75	29,300
BUILDING SUB-AREA SUMMARY SECTION												
Code	Description	Living Area		Floor Area		Eff Area		Unit Cost		Undepreciated Value		
Ttl Gross Liv / Lease Area												

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)								
Element	Cd	Description	Element	Cd	Description							
Style			Solar									
Grade			Central Vac									
Stories			Nbhd Modifier									
Units			MH Make									
Frame			MH Serial #									
Foundation			Color;Mdl #;D									
Exterior Wall 1												
Roof Structure												
Roof Cover												
View												
Interior Wall 1												
Interior Floor 1												
Basement Flo												
Bsmt Garage												
Finished Bsmt												
FBLA												
Rec Room												
Electric												
Insulation												
Interior/Exterio												
% Heated												
Heat Fuel												
Heat Type												
AC Percent												
Bedrooms												
Full Bath(s)												
3/4 Bath(s)												
Half Bath(s)												
Extra Fixture(s)												
Kitchen(s)												
Extra Kitchen(												
Total Rooms												
Fireplace(s)												
W.S.Flues												
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
01	SHED FRAME	L	1	14	24	E	AV	2010	80	28.15	0.75	5,700
01	SHED FRAME	L	1	16	25	E	FR	2010	75	28.15	0.75	6,300
45	LEAN TO	L	1	10	58	D	AV	2010	80	4.51	0.87	1,800
45	LEAN TO	L	1	16	28	E	PR	2010	70	4.51	0.75	1,100
45	LEAN TO	L	1	11	20	E	AV	2010	80	4.51	0.75	600
64	SILLO	L	1	942	1	C	AV	2010	55	2.20	1.00	1,100
52	P BARN WD1	L	1	22	38	E	AV	2007	70	20.40	0.75	9,000
45	LEAN TO	L	1	12	18	E	AV	2007	70	4.51	0.75	500
01	SHED FRAME	L	1	8	10	D	AV	2006	70	28.15	0.87	1,400
50	POLE BARN	L	1	24	30	D	AV	2004	70	20.40	0.87	8,900
45	LEAN TO	L	1	10	24	D	AV	2003	70	4.51	0.87	700
BUILDING SUB-AREA SUMMARY SECTION												
Code	Description	Living Area		Floor Area		Eff Area		Unit Cost		Undepreciated Value		

No Sketch