



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. 2-24-11

DATE FILED 2/21/24

191

ZONING BOARD CLERK

Applicant: Matthew Hilgendorf and Michelle Ciani

E-mail: matthewhilgendorf@gmail.com Phone: 603 531 1069

Applicant Address: 8 Trestle Rd., Rochester NH 03868

Property Owner (if different): Same as applicant

Property Owner Address: Same as applicant

Variance Address: 8 Trestle Rd., Rochester, NH 03868

Map Lot and Block No: Deed Book & Page: 5129-878

Description of Property: R2 residential lot of .37 acres w/ one single family house + garage (recently removed)

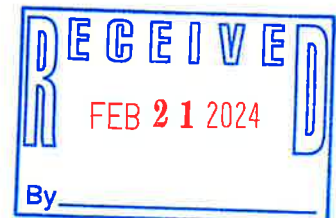
Proposed use or existing use affected: Propose to build an independent dwelling in same location as garage

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

and asks that said terms be waived to permit Construction of independent dwelling using same setbacks as previous structure

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: 2/15/2024





City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Criteria

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

See attachment

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

See attachment

3) Granting the variance would do substantial justice because:

See Attachment

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

See Attachment

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:

See Attachment

And:

ii. The proposed use is a reasonable one because:

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.

Variance Criteria

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

Building a dwelling to replace a dilapidated and non-functional structure is a capital improvement and therefore directly in support of the public interest. The look of the neighborhood is enhanced without altering its essential character. This is a residential proposal for a residential area and will not threaten public health, safety, or welfare, or otherwise injure "public rights." Ample off-street parking is available on the property.

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

Importantly, the new structure will respect the same setbacks of the structure that it is replacing. The previous structure, removed in November 2023, was over 80 years old and occupied an area of the lot that is the only logical place for a structure. We want to replace it in order to preserve the integrity of the property.

3) Granting the variance would do substantial justice because:

This project does no harm that we can think of to the general public or to other individuals, including abutters. It has no measurable impact on traffic, or noise, or in any category. Granting the variance will allow for the replacement of a structure that was in dire need of replacement.

In terms of the abutter closest to the proposed construction on the other side of the property line, this property owner has outbuildings on the other side of the line. These are not dwellings.

Further, the two houses directly across the street are two-family dwellings. Building a dwelling in the location where the garage was located would not alter the character of the neighborhood and would be consistent with other properties in the area.

Lastly, we understand that adding a dwelling to the City of Rochester is an important component of expanding the availability of housing in the state.

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

There will be in fact, in our assessment, a positive impact on the values of the surrounding properties. Updating and replacing structures are investments that contribute positively to the look of the neighborhood and should lead to an increase in property values for all houses in the immediate area.

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:

The lot is sizable at .37 acres but given the “L” shape of the property and the location of the main house, it is not possible to build the structure in any other location in conformance with the setback requirements. We have no choice but to request a variance. We are pursuing the most logical solution which is to use the footprint of the original structure. The variance is necessary to enable a reasonable use of the property and denial would leave us without any option for rebuilding the structure. We are requesting the variance out of necessity, not choice.

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:

This is a residential project for a residential area with no conflict between the public purposes of the ordinance provision and the specific application.

And:

ii. The proposed use is a reasonable one because:

See 3 above

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.

See 5.a. above

February 14, 2024

Dear FTZ Committee,

Please find supporting documentation and required forms to support a request for relief from a setback regulation in relation to a proposed independent dwelling to be built on our property located at 8 Trestle Rd, Rochester NH 03868.

Briefly, we would like to build an independent and detached dwelling using the same setbacks as a previously existing 100+ year old garage. Due to its condition the garage was not suitable for repair, upgrade or refurbishment. Furthermore, our insurance company made it a precondition of homeowners coverage that we remove this structure which we did in late November 2023. This was done following all appropriate City procedures for demolition.

Our request to use the same setbacks as the original structure is necessary due to the distribution of the land according to the "L" shape of the lot. It is not feasible to build on any other site and meet the current setback requirements. We are in the R2 zone and multifamily properties as well as ADU's are permitted.

Building a new structure to replace the old one we believe will support the value of neighboring properties. The overall physical appearance of our property will be enhanced and there is no negative impact to the public interest. Further, there will be no impact in terms of noise or traffic. There is ample space for parking for both the main house and the future house.

In terms of the larger impact in the City of Rochester, adding a living unit responds to a growing demand for housing in the area, as evidenced by multiple approved apartment projects in downtown Rochester and along Route 11.

We kindly request your consideration in granting this relief based on the circumstances as described in this application.

Regards,

Matthew Hilgendorf
Michelle Ciani
Property Owners





N



M

TRESTLE ROAD

235'S

38

0.18 AcC

39

0.37 AcC

100'

82'

32.5'

60' 60'

70'

45'

40

0.37 AcC

70'

55'S

120'

185'

80' 80'

100'

105'

41

0.19 AcC

RAAB LANE

63

0.20 AcC

100'

100'

100'

62

0.22 AcC

90'

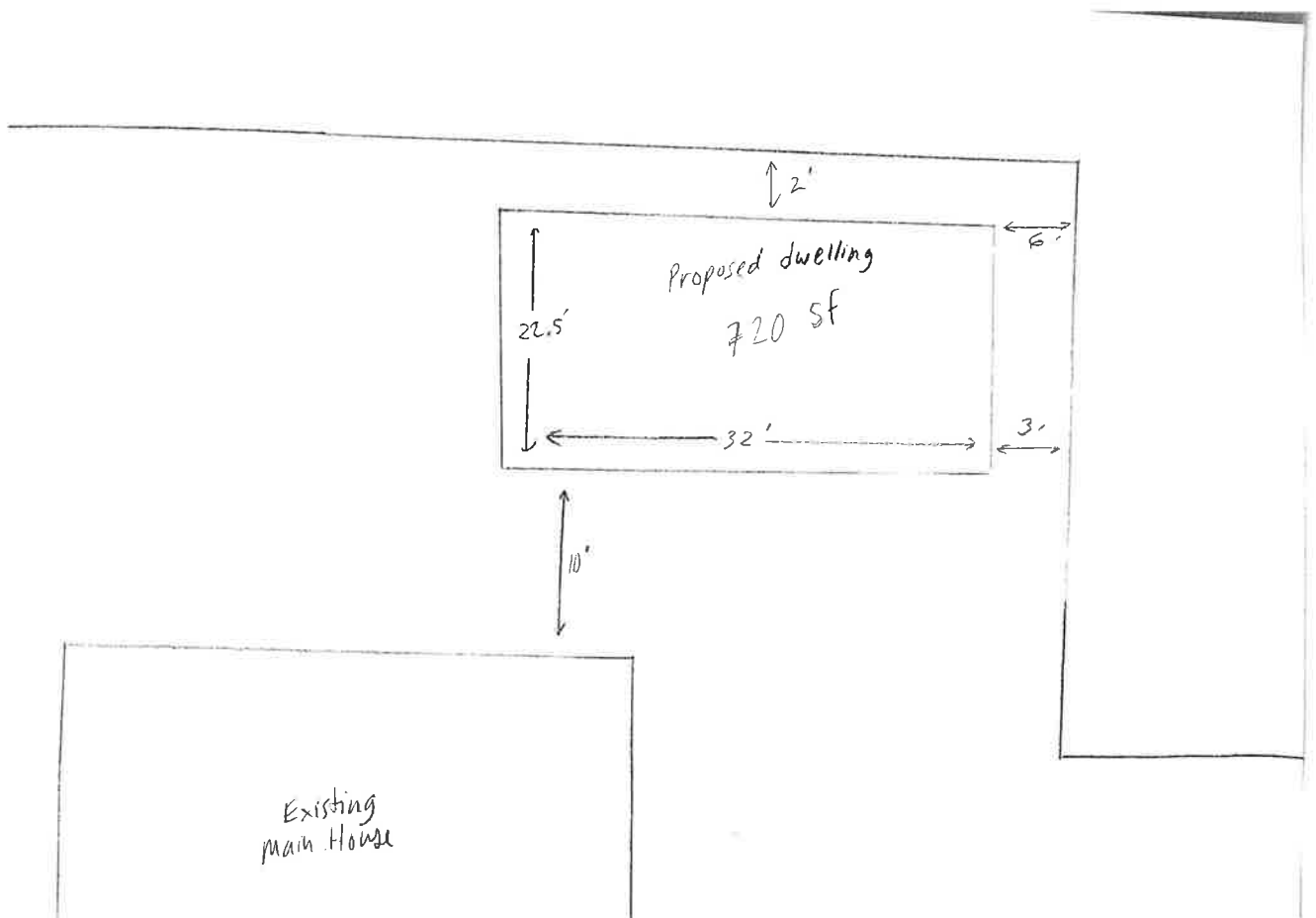
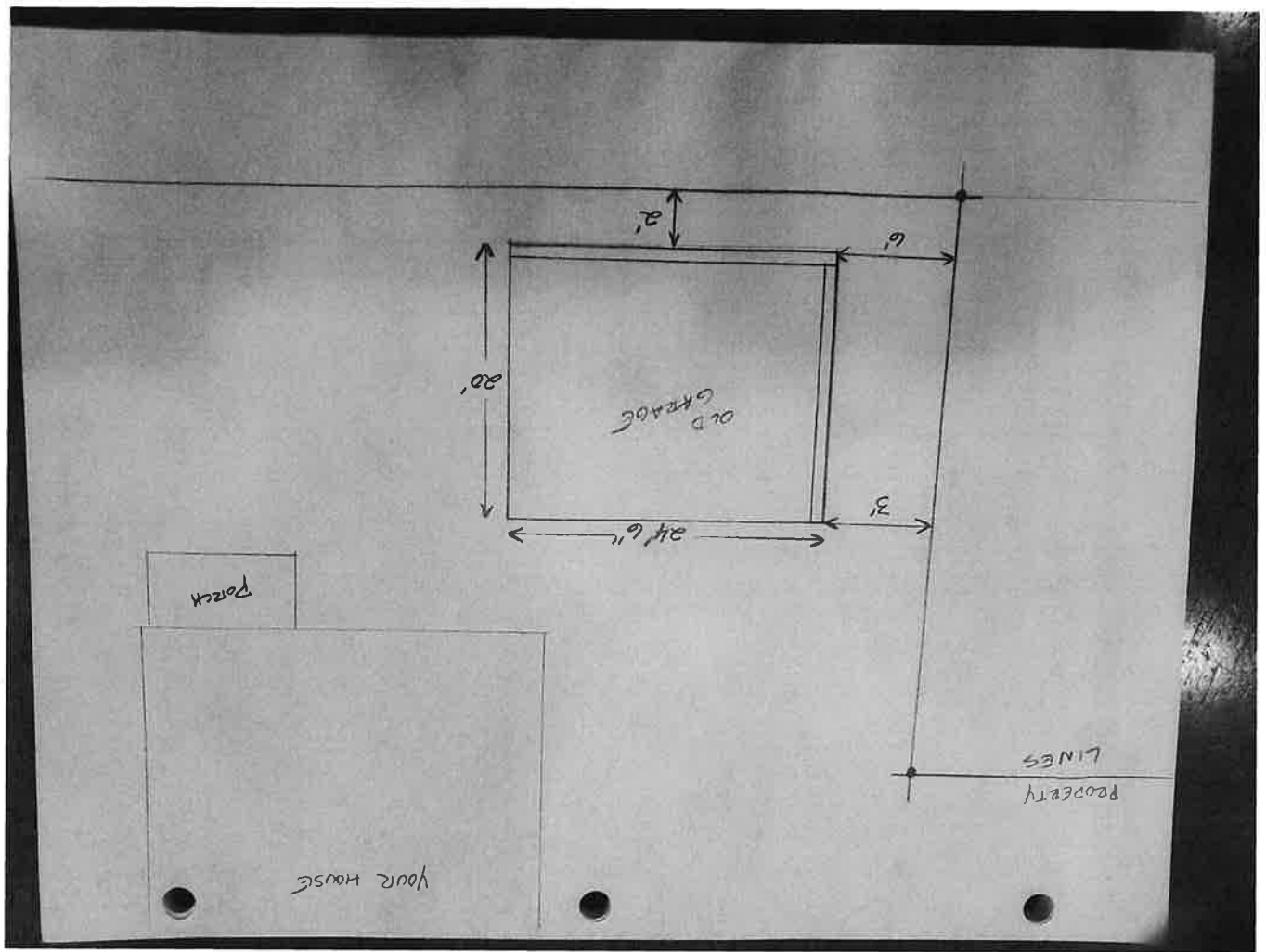
80'

97' 10.5'

90'

100'





ZONING

275 Attachment 6

City of Rochester

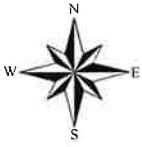
Table 19-A Dimensional Standards - Residential Districts
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

	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	—	8	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%	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.



1 inch = 40 Feet



CAI Technologies
Precision Mapping. Geospatial Solutions.

February 27, 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.

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

[illegible]

ZONING

275 Attachment 1

City of Rochester

Table 18-A Residential Uses
[Amended 4-4-2017; 3-5-2019; 5-7-2019]

LEGEND

P = Permitted Use

C = Conditional Use

E = Use Allowed by Special Exception

Residential Uses	Residential Districts				Commercial Districts			Industrial Districts		Special		Criteria/Conditions
	R1	R2	AG	NMU	DC	OC	HC	GI	RI	HS	AS	Reference
Apartment, accessory (accessory use)	E	P	P	P	P	P	P	—	—	E	—	Article 21 and 23
Apartment, in-law	P	P	P	P	P	P	P	—	—	—	—	
Apartment, security	—	P	—	P	P	P	P	P	P	P	P	Articles 2 and 23
Assisted living facility	—	C	C	C	C	C	C	—	—	C	—	Article 21
Boardinghouse	—	—	—	—	E	—	—	—	—	—	—	
Community residence-1	—	E	E	—	E	E	E	—	E	E	—	Article 22
Community residence-2	—	—	E	—	—	E	—	—	E	E	—	Article 22
Conservation subdivision	C	C	C	—	—	C	C	—	—	—	—	Articles 21 and 33
Dwelling, apartments (apartment/mixed-use building)	—	—	—	P	P	C	P	—	—	—	—	Article 21
Dwelling, multifamily development	—	P	—	—	P	—	P	—	—	—	—	Articles 20 and 22
Dwelling, multifamily	—	P	—	—	P	—	P	—	—	—	—	
Dwelling, single-family	P	P	P	P	—	P	P	—	—	P	—	
Dwelling, two-family	—	P	P	P	C	P	P	—	—	—	—	Articles 21 and 33
Flag lots	—	C	C	—	—	—	—	—	—	C	—	Article 21
Home occupation-1 (accessory use)	P	P	P	P	P	P	P	—	—	P	—	Article 24
Home occupation-2 (accessory use)	P	P	P	P	P	P	P	—	—	P	—	Articles 22 and 24

275 Attachment 1:1

Supp 2, May 2019

ABUTTERS LIST

Owner1

RYDER BRADLEY JOHN
MONBLEAU JILL M
HILGENDORF MATTHEW
LEVESQUE FAMILY IRREV TRUST %
WILDBERRY LLC
LEVESQUE DILLON S
DOWNS NATHAN A & ELIZABETH
ROUN GILLIAN
40 GROVE LLC
DELDOTTO SARAH ELIZABETH

Owner2

CIANI MICHELLE
MICERA ROBERT TRUSTEE

DELDOTTO ADAM GREGORY

BillingAddress

48 GROVE ST
15 TRESTLE RD UNIT 2
8 TRESTLE RD
6 RAAB LN
32 SHAKESPEARE RD
194 NO MAIN ST
59 COTTONWOOD DR
11-13 TRESTLE RD
23 DUSTIN HOMESTEAD
9-A TRESTLE RD

City State Zip

ROCHESTER, NH 03868
ROCHESTER, NH 03868-8552
ROCHESTER, NH 03868
ROCHESTER, NH 03868-8522
ROCHESTER, NH 03839
ROCHESTER, NH 03867-1220
DOVER, NH 03820-6034
ROCHESTER, NH 03868-8521
ROCHESTER, NH 03867
ROCHESTER, NH 03868