

## 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 s   | single family house + garage (recently removed)                                       |
| Proposed use or existing use affected: Propose to build an ind  | lependent dwelling in same location as garage   |
|   | TABLE 19 - A<br>ne Rochester Zoning Ordinance, Ch. 275, Section <u>DIVA、ST</u> AWDARI |
| and asks that said terms be waived to permit Construction of indep  | rendent dwelling using same setbacks as previous structure                            |
|   |   |
| The undersigned alleges that the following circumstances exis the strict terms of the Zoning Ordinance and thus constitute g presenting my case the testimony should be confined to the state of the confined to the state of the | rounds for a variance. I understand that while  |
| Signed: MC 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   |
| <ul> <li>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: <ol> <li>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:</li> </ol> </li> </ul>   |
| See Attachment   |
| And:<br>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, 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. |
|  |

### 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. 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:

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, 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.

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,

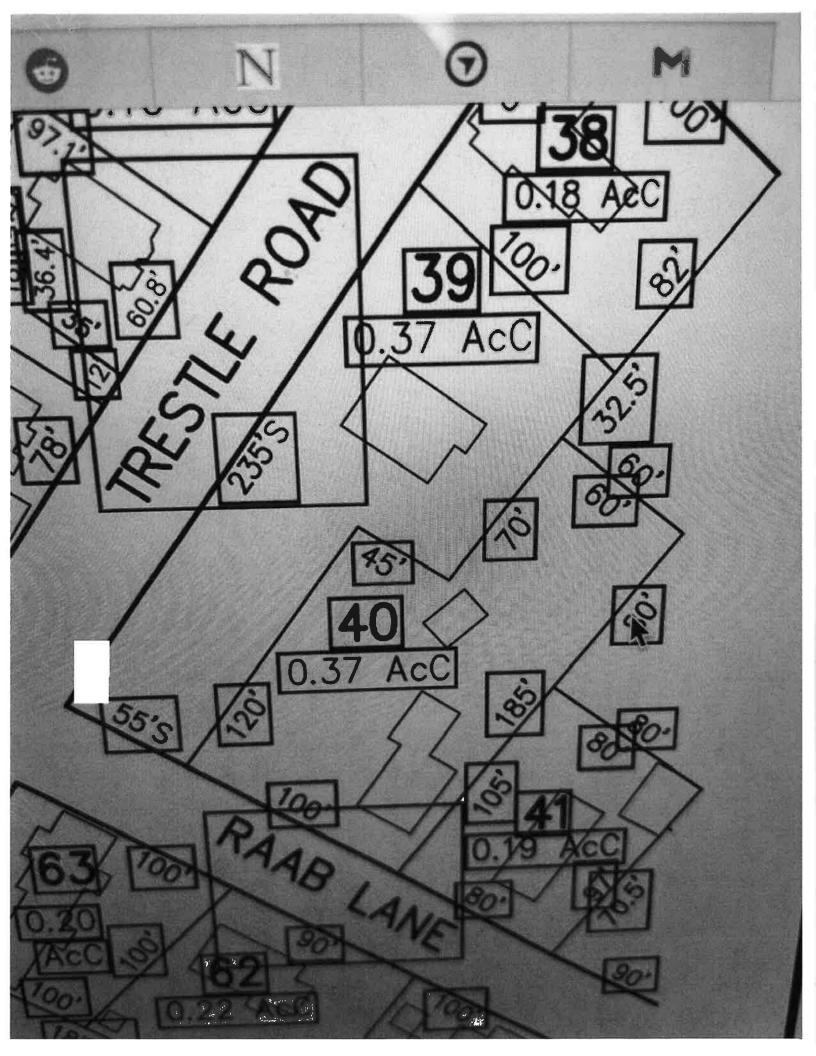
Matthew Hilgendorf Michelle Ciani Property Owners



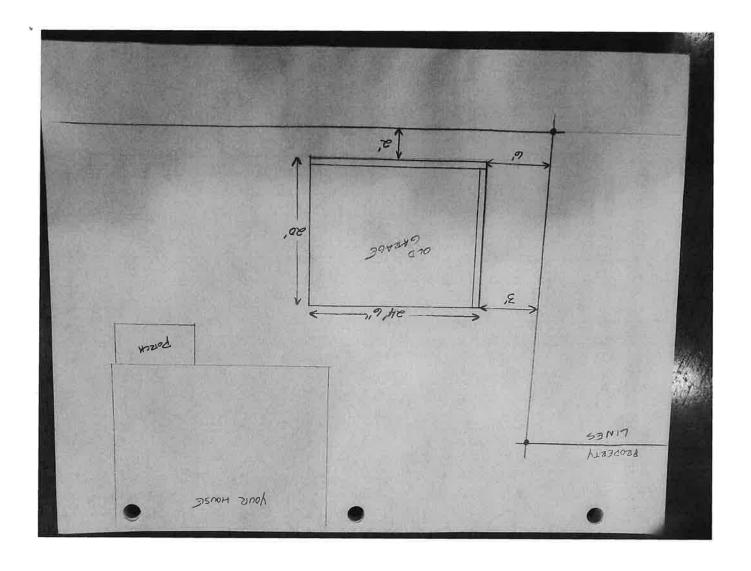


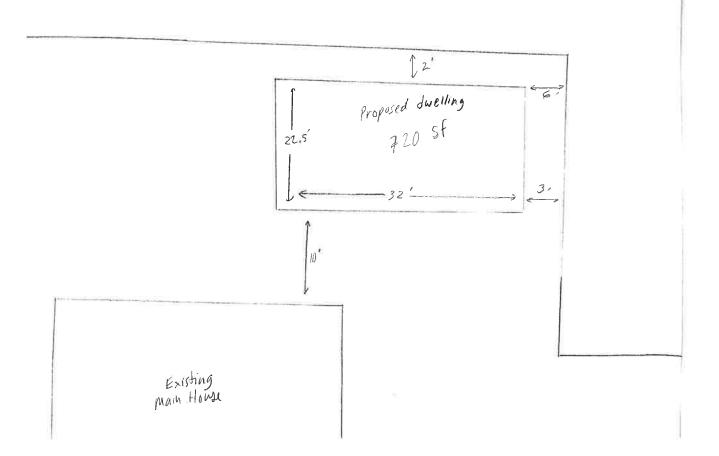












## ZONING

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         | ıcks    |                 |                     |              | Other                |                               |                               | Standards, Notes and References              |
|--|----------------------|---------------------|---------------------------------------|------------------|------------------|---------|-----------------|---------------------|--------------|----------------------|-------------------------------|-------------------------------|--|
|  | Minimum Lot<br>Arca  | Minimum<br>Frontage | Minimum<br>Lot Area/<br>Dwelling Unit | Minimum<br>Front | Maximum<br>Front | Minimum | Minimum<br>Rear | Maximum<br>Building | Maximum      | Maximum<br>Number of | Minimum<br>Bullding<br>Height | Maximum<br>Building<br>Height | A "—" means there is no dimensional standard |
| Residential Districts  | (square feet)        | (feet)              | (square feet)                         | (feet)           | (feet)           | (feet)  | (feet)          | Footprint           | Lot Coverage | Stories              | (feet)                        | (feet)                        | for this item                                |
| Residential-1 (R1)   |                      |                     |                                       |                  |                  |         |                 |                     |              |                      |                               |                               |  |
| Single-family  | 000'01               | 100                 | į                                     | 10               |                  | 10      | 20              | 30%                 | 35%          |                      |                               | 35                            | See Article 19, Dimensional Standards        |
| All other uses   | 000,01               | 001                 | ļ                                     | 10               |                  | 10      | 20              | 30%                 | 35%          |                      |                               | 35                            |  |
| Residential-2 (R2)   |                      |                     |                                       |                  |                  |         |                 |                     |              |                      |                               |                               |  |
| Single-family  | 000'9                | 09                  | ı                                     | 01               |                  | 00      | 20              | 30%                 | 35%          |                      |                               | 35                            | See Article 19, Dimensional Standards        |
| Two-family   | 000,6                | 80                  | Ţ                                     | 01               |                  | 00      | 20              | 30%                 | 45%          |                      |                               | 35                            | See Article 19, Dimensional Standards        |
| Three- and four-family   | 12,000 and<br>15,000 | 80                  | Į.                                    | 15               |                  | 10      | 25              | 30%                 | %09          |                      |                               | 35                            | See Article 19, Dimensional Standards        |
| Five- or more family   | 30,000               | 100                 | 5,000 or 7,500                        | 15               |                  | 10      | 25              | 30%                 | %09          |                      |                               | 35                            | See Artiele 19, Dimensional Standards        |
| All other uses   | 000,6                | 80                  | -                                     | 01               |                  | 8       | 20              | 30%                 | 35%          |                      |                               | 35                            |  |
| Neighborhood Mixed Use (NMU)   |                      |                     |                                       |                  |                  |         |                 |                     |              |                      |                               |                               |  |
| All uses   | 900.9                | 09                  | 2                                     | î                | 25               | 51      | 20              |                     | %06          | 3                    | 20                            | 20                            | See Article 19, Dimensional Standards        |
| Agricultural (AG)  |                      |                     |                                       |                  |                  |         |                 |                     |              |                      |                               |                               |  |
| Single-family, conventional<br>subdivision, municipal water and<br>sewer   | 20,000               | 150                 | ı                                     | 20               |                  | 10      | 20              | 30%                 | 35%          |                      |                               | 35                            | See Article 19, Dimensional Standards        |
| Single-family, conventional subdivision, municipal water or sewer          | 30,000               | 150                 | 1                                     | 20               |                  | 10      | 20              | 30%                 | 35%          |                      |                               | 35                            | See Article 19, Dimensional Standards        |
| Single-family, conventional subdivision, neither municipal water nor sewer | 45,000               | 150                 | Ţ                                     | 20               |                  | 10      | 20              | 30%                 | 35%          |                      |                               | 35                            | Sce Article 19, Dimensional Standards        |
| Two-family   | 150% of single       | 150                 | 1                                     | 20               |                  | 10      | 20              | 30%                 | 40%          |                      |                               | ï                             | See Article 19, Dimensional Standards        |
| Single-family dwelling -<br>conservation subdivision                       | 6,000                | 09                  | 1                                     | 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 suback 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.





## 8 Trestle Road

City of Rochester, NH 1 inch = 40 Feet



120

www.cai-tech.com

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.

| Land Use 1010<br>Print Date 11/1/2023 3:12:30 PM | VISION ROCHESTER, NH   | Descri   Pror Assesse         | BLDG 131,200<br>LAND 43,000<br>OB 9,100  | Total 183,300 |                                | 131,200                         | 9,100  | 43,000                      |         | 183,300                      | O                      |             | 183,300                                   | Notes                                 | COBBECTED   | CORRECTED<br>CORRECTION<br>QUARTILE;   | Permit #: 731                          | Notes              | 200          |                 | nd Value 43,000   |
|--|--|-------------------------------|--|---------------|--------------------------------|---------------------------------|--|-----------------------------|---------|------------------------------|------------------------|-------------|---|---------------------------------------|-------------|--|--|--------------------|--------------|-----------------|---|
| Land Use 10<br>Print Date 11                     |  | <u>.</u> .                    | 2022   | 183,300       | <u>APPRAISED VALUE SUMMARY</u> | 177                             | olug <i>)</i><br>lg)   |                             |         |                              |                        |             |   | VISIT / CHANGE HISTORY Purpost/Result | DEED CHANGE | CORRECTION NO INSP MEAS+INSPCTD        | CORRECTION<br>EXT ONLY<br>MEAS+INSPCTD | <u> </u>           | >            |                 | Total Land Value  |
| # 1157<br>1                                      | 000  | PREVIOUS ASSESSMENTS (HISTORY | BLDG<br>LAND<br>OB   | Total 18      | APPRAISED                      | Appraised Building Value (Card) | Appraised Extra reature value (bidg)<br>Appraised Outbuilding Value (Bldg) | d Value (Bldg)              |         | d Parcel Value               | por                    |             | Total Appraised Parcel Value              | VISIT/CH                              |             |  | TM EXT ONLY LR MEAS+INSPCT             | ₹                  | _            | 116,246. 43,000 |   |
|  | CURRENT ASSESSMENT LUC CO Prior Assessed 101 131,20 101 43,00 101 9,10 101 183,30        | PREVIOUS A                    |  | 183,300       |                                | Appraised Build                 | Appraised Extra Appraised Outt   | Appraised Land Value (Bldg) |         | Total Appraised Parcel Value | Valuation Method       |             | Total Appraise                            | Date                                  | 08-10-2023  | 05-16-2020<br>05-30-2007<br>03-12-2007 | 08-25-2004<br>03-22-2004<br>03-10-2004 | Infl3 Infl3 Adi    | Town Collins | <u> </u>        |   |
| Card # 1 of<br>Sec # 1 of                        | Description<br>BLDG<br>LAND<br>OB  | Voor   Descri   Pri           | BLDG<br>LAND<br>OB   | Total         |                                |                                 |  |                             |         |                              |                        |             | RK NOMINIAL IM                            |                                       | ī           |  | ¥.                                     | Infl2 Adi          | [DC 7]       |                 |   |
|  | ZONING<br>SIDENCE 2<br>4BD NAME<br>1 E R<br>ription                                      | -                             | 2 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8  |               |                                |                                 |  |                             |         |                              |                        | Notes       | 75% COMPLETE, BALANCE OF WORK NOMINIAL IM | PERMIT EXPIRED WORK NOT DONE.         |             |  | AND THE VALUATION SECTION              | di Infi1 Infi1 Adi |              |                 | за 0.37 AC  |
| 0104/ 0039/ 0000/ /                              | XEMP   | SALE PRICE                    | 358,000<br>0<br>30,000<br>0  |               |                                |                                 |  |                             | _       |                              | ORD                    | _           |   |                                       |             |  | TAND LINE                              | 200                |              | 1.00 1210 1.000 | Parcel Total Land Area  |
| Parcel ID 010                                    | Vear Vear LEGAL D  |                               | 08-04-2023<br>03-27-1978<br>03-22-1978<br>01-01-1900   |               | <b>BUILDING NOTES</b>          |                                 |  |                             | UNF=HST |                              | BUILDING PERMIT RECORD | 0)          | 03-22-2004 100 C                          | 02-22-2002 100 C                      | 0)          |  |  | InitBrin Sizo Adi  | SIZE AUJ     | 47,500. 2.44730 |   |
| -  | UTILITIES  0 CITY WATER R 0 CITY SEWER 0 CITY WIR PBO UTL'ST/TRAF 0 NONE 0 PAVED 0 LIGHT |                               | 5129 878<br>1012 283<br>1012 283<br>0 0  |               | BU                             |                                 |  |                             |         |                              | BUILDII                |             | 800 03-22                                 |                                       |             |  |  | it ₹ 00            | oc Adj       | 1.000           | and Units 0.  |
| 8 TRESTLE RD                                     | 33868  | - GRANTEE                     | Σ  |               |                                |                                 |  |                             |         |                              |                        | Description | RENOVATE<br>REPAIRS                       | BOILER                                |             |  |  | T Pag 1            | - 11         | 0.370 PRIMARY   | Total Card Land Units 0.37 AC Disclaimer This information is believed to be correct but is subject to change and is not warranteed. |
|  | CURRENT OWNER HILGENDORF MATTHEW CIANI MICHELLE 8 TRESTLE RD ROCHESTER NH (              | SALES INFORMATION- GRANTEE    | HILGENDORF MATTHEW<br>NICKLESS CLAUDETTE R<br>LUNT, THOMAS & OLIVE<br>LUNT, THOMAS N & OLIVE M |               |                                |                                 |  |                             |         |                              |                        | Permit Id   |   | 1021                                  |             |  |  |                    | _            | SINGLE FA 0.    | s information is believe  |
| Property Location<br>Vision ID 1157              | CORRE<br>HILGENDORF MA<br>CIANI MICHELLE<br>8 TRESTLE RD<br>ROCHESTER                    | SALES                         | HILGEND<br>NICKLESS<br>LUNT, THC<br>LUNT, THC  |               |                                |                                 |  |                             |         |                              |                        | Issue Date  | 07-11-2003                                | 10-26-2001                            | 0/-10-70    |  |  | _                  |              | 1 1010 5        | Disclaimer: Thi   |

| Land Use 1010<br>Print Date 11/1/2023 3:12:30 PM | SFL 7 447 5 5 5 5 6 6 5 6 6 6 6 6 6 6 6 6 6 6 6  |  |
|--|--|--|
| 1 Account # 1157<br>1 Bldg # 1                   | 18<br>H8T<br>FFL<br>FFL<br>FFL<br>FFL<br>FFL<br>FFL<br>GH2 sf)<br>(191 sf)   |  |
| Card # 1 of<br>Sec # 1 of                        | 10 00 00 00 00 00 00 00 00 00 00 00 00 0   | Undepreciated Value 22,428 96,785 44,857 12,023 94,796 -44,857   |
| 0104/ 0039/ 0000/ /                              | BROWN;  Description  Description  Description  Building # Section # % Owner  VALUATION  262,334  1882  A  1.000  1.000  50  131,200  | Markes Grand St. 100 S |
| Parcel ID 0104/ 0039/ 000                        | Description  CLD STYLE  AVG. (+)  WOOD  BRICK/STONE  WOOD  WH Serial #  CONDO DATA  COOR, Mdl #;D  CONDO DATA  CONDO  CONDO DATA  CONDO  CONDO DATA  CONDO  CO | VG & YARD ITEMS(L) / XF - BUILDING EXT           1         Dim 2         Grade Condition Yr Bit % Grade Condition Yr  |
| 8 TRESTLE RD                                     | Cd Description OLD STYLE AVG. (+) S WOOD BRICK/STONE VINYL GABLE ASPH SHINGLE NONE PLASTER AVERAGE CONCRETE CONCRETE INF   |  |
| Property Location 8<br>Vision ID 1157            | rut frall 1 charles frall 1 ch | Code   Description   L/B   |

### **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

|   |    | Residentia | al District | s               | Com | nercial Di | stricts          | Indu<br>Dist | strial<br>ricts | Spe | cial          | Criteria/Conditions |
|---|----|------------|-------------|-----------------|-----|------------|------------------|--------------|-----------------|-----|---------------|---------------------|
| Residential Uses  | RI | R2         | AG          | NMU             | DC  | OC         | HC               | GI           | RI              | HS  | AS            | Reference           |
| Apartment, accessory (accessory use)                      | Е  | P          | P           | P               | P   | P          | P                | -            | _               | Е   | ==            | 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                                  | -  | С          | С           | С               | С   | С          | С                |              | -               | С   | -             | Article 21          |
| Boardinghouse   | == | -          | .=.         | 25              | Е   | -          | , <del>-</del> - | _            | -               | = - |               |                     |
| Community residence-1                                     | 2  | Е          | Е           | 1.              | Е   | Е          | E                | -:           | E               | Е   | -             | Article 22          |
| Community residence-2                                     |    |            | Е           | -               | -   | Е          | 1=               | =            | Е               | Е   | =             | Article 22          |
| Conservation subdivision                                  | С  | С          | С           | 1-              | -   | С          | С                | _            | -               | -   | -             | Articles 21 and 33  |
| Dwelling, apartments<br>(apartment/mixed-use<br>building) | =  | -          | 5=8         | Р               | P   | С          | P                | =2           | 1==             | _   |               | Article 21          |
| Dwelling, multifamily development                         | -  | P          |             | -               | Р   | ==0        | P                | =            | -               | -   |               | Articles 20 and 22  |
| Dwelling, multifamily                                     | -  | P          | i           | -               | P   |            | P                | :x           | -               | 725 | -             |                     |
| Dwelling, single-family                                   | P  | P          | P           | P               | -   | P          | P                | ==:          |                 | P   | _             |                     |
| Dwelling, two-family                                      |    | P          | P           | P               | C   | P          | P                | 2-3          | -               | -   | -             | Articles 21 and 33  |
| Flag lots   |    | С          | С           | ( <del></del> ) | 250 | -          | -                | =            | -               | С   | -             | Article 21          |
| Home occupation-1 (accessory use)                         | P  | P          | Р           | P               | P   | Р          | P                | -            | -               | Р   | -             | Article 24          |
| Home occupation-2 (accessory use)                         | P  | P          | P           | P               | P   | P          | P                | ==:          | -               | P   | 1 <del></del> | Articles 22 and 24  |

275 Attachment 1:1

Supp 2, May 2019

## **ABUTTERS LIST**

| Owner1                        | Owner2                | BillingAddress       | City State Zip           |
|-------------------------------|-----------------------|----------------------|--------------------------|
| RYDER BRADLEY JOHN            |                       | 48 GROVE ST          | ROCHESTER, NH 03868      |
| MONBLEAU JILL M               |                       | 15 TRESTLE RD UNIT 2 | ROCHESTER, NH 03868-8552 |
| HILGENDORF MATTHEW            | CIANI MICHELLE        | 8 TRESTLE RD         | ROCHESTER, NH 03868      |
| LEVESQUE FAMILY IRREV TRUST % | MICERA ROBERT TRUSTEE | 6 RAAB LN            | ROCHESTER, NH 03868-8522 |
| WILDBERRY LLC                 |                       | 32 SHAKESPEARE RD    | ROCHESTER, NH 03839      |
| LEVESQUE DILLON S             |                       | 194 NO MAIN ST       | ROCHESTER, NH 03867-1220 |
| DOWNS NATHAN A & ELIZABETH    |                       | 59 COTTONWOOD DR     | DOVER, NH 03820-6034     |
| ROUN GILLIAN                  |                       | 11-13 TRESTLE RD     | ROCHESTER, NH 03868-8521 |
| 40 GROVE LLC                  | 4                     | 23 DUSTIN HOMESTEAD  | ROCHESTER, NH 03867      |
| DELDOTTO SARAH ELIZABETH      | DELDOTTO ADAM GREGORY | 9-A TRESTLE RD       | ROCHESTER, NH 03868      |