

**CITY OF ROCHESTER  
BOARD OF ADJUSTMENT**

**Response to RSA 674:33 Five Factors**

Name of Applicant: **Revival Day of Hope**

Location of Proposed Event: **72 Lafayette Street, Rochester, NH 03867**

Date of Event: **August 31, 2024**

Presenter: Marcia A. Brown, Esq. for Rochester Agricultural and Mechanical Association

**1. DESCRIPTION OF RELIEF REQUESTED**

Revival Day of Hope seeks to host its annual community connection event. This “community unity” event connects the public with community services. The first year of the event drew 300-400 attendees. The second year, the event drew over 1,000 attendees. In 2023, the event was set to surpass 2022’s attendance but the event had to be cancelled because of the Hurricane winds. The sponsor of the event, Revival Day of Hope, which is a registered non-profit, lost substantial money. To prevent a repeat of that circumstance, Revival Day of Hope is looking for a better venue that will not require a road closure, remote parking, and an inability to stake tents. Revival Day of Hope has searched and found only one suitable venue: 72 Lafayette Street. This Lafayette Street location has held such musical events in the past and is well suited to continue this use.

RAMA is not charging Revival Day of Hope rent.

**2. WHY A PERMIT SHOULD BE GRANTED**

For the reasons more fully explained below, Revival Day of Hope believes it satisfies the requisite characteristics of uses permitted in zone Office-Commercial. City Staff directed Revival Day of Hope to file an application which happens to be for a variance. City Staff did not direct Revival Day of Hope to an administrative appeal. Thus, this appeal is formatted as a response to a variance request. As a variance request, Revival Day of Hope respectfully requests the ZBA grant a variance under its authority of RSA 674:33, I(b) because a variance “will not be contrary to the public interest, if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.” See, *Gray v. Seidel*, 143 N.H. 327, 328 (1999).

Revival Day of Hope and the Rochester Agricultural and Mechanical Association address the five factors required of RSA 674:33, I(b) as follows:

**(A) Granting the Variance Will Not Be Contrary to the Public Interest**

72 Lafayette Street is zoned as Office-Commercial (OC). The City’s ordinance lists the objectives of this zone to be:

Section 275-6.4.B: (2) **Allows for large-scale** office, institutional, hospitality, and **civic uses** and is ideally oriented toward campus-type settings.

Revival Day of Hope is a large-scale civic use to connect those suffering from homelessness, food insecurity, and domestic violence to the community services they need. Numerous community aid groups are involved with this event:

Deep Recovery	Family Justice Center
Live2Serve	Prison Fellowship
Share Fund	The Freeman House
Teen Challenge	WayPoint
Together Family Services	Crosspoint Church
True North Hearing	Journey Church
Victim's Inc.	Grace Community Church
Wellness by Design	Harvest of Praise Church
WordRadio	The Commons Church
The Branch Radio	First Baptist Church of Greater Rochester
K-LOVE radio	Trinity Anglican Church
HAVEN (formerly SASS)	
Brigid's House of Hope	
Red Cross	

This is a large scale event in that over 1,000 people attended the event in 2022 and more than that were slated to attend in 2023.

It is undoubtably in the public interest and a civic use to connect people with community services they may not be aware of but need.

For these reasons, this large scale civic event satisfies this factor and is a permitted use in the OC District. Revival Day of Hope and the Rochester Agricultural and Mechanical Association request the Board approve this variance, to the extent it is needed for permitted uses.

(B) The Spirit of the Ordinance is Observed

72 Lafayette Street is zoned as Office-Commercial (OFC) on the City's zoning map.

Permitted Uses (P) and Conditional Uses (C) in the "OC" zone include:

Hospital (P)  
House of Worship (C)  
Personal Service Establishment (P)  
School – Other (P)  
Community Center (P)  
Function Hall (P)  
Health Club (P)

- Revival Day of Hope will host vendors promoting wellness, which is a hospital and health club related use.
- Revival Day of Hope educates people in need about the community services available to them, which is a school and community center related use.
- Some of the attending vendors are religious groups, which is both a House of Worship and spiritual wellness use.
- Revival Day of Hope is a function and in the event of inclement weather will stake tents, which is a Function Hall use.

For these reasons, the spirit of the ordinance is directly adhered to and observed. Revival Day of Hope and the Rochester Agricultural and Mechanical Association believe this variance factor is met.

(C) Substantial Justice is Done

Connecting homeless, food insecure, domestic violence, and mentally ill with the community services they need promotes justice in our society. Additionally, the uses proposed by Revival Day of Hope are directly within the permitted uses of 72 Lafayette Street. It will cause a substantial injustice and be unconstitutional to deny this permitted use.

(D) No diminution of property values.

Revival Day of Hope will not diminish the value of 72 Lafayette Street or its neighboring property because this use has been conducted on the property in the past. Revival Day of Hope is no different than events held in the past: **Half Moon Sober Festival** (held on memorial day weekend for several years; **Reggae Fest**; **Gourmet food** events that had music and food; **Next Level Church's community event**; and **Easter Seals of NH community event**. All of which were previously held on the property. No one raised that those events diminished area property values. There is no expectation that Revival Day of Hope will either.

(E) Denial of the Permit and Variance Would be an Unnecessary Hardship

The Hurricane winds that forced the shut down of Revival Day of Hope's 2023 event caused substantial obstacles that Revival Day of Hope seeks to eliminate with using 72 Lafayette Street venue. The event has been held on the Commons, however, obstacles include: parking was remote and across a busy street; due to the irrigation system installed in the Commons, no staking of tents can occur if inclement weather arises; the event at the Commons requires the closure of a street; and the event has caused neighbors to complain about the noise.

72 Lafayette Street is ideal and is the only open, gated venue that offers on-site parking so that attendees do not need to cross a busy street. Because 72 Lafayette Street is gated, the public cannot just wander into the event. 72 Lafayette Street offers the ability to locate music away from neighbors. Past events have been held toward the center of the venue with speakers facing away from Chestnut Street so that the speakers are not directing the music toward neighbors. Tents can also be staked at this venue in the event of inclement weather. Importantly, this venue has electrical power.

Revival Day of Hope was denied a permit by the City and in that denial the City's Planning Department

director, Shanna Saunders stated that “[t]he City is happy to help find an alternate location for this event.” But when Revival Day of Hope took the City up on that offer, the alternative venues suggested fell short of Revival Day of Hope’s needs. Revival Day of Hope itself conducted a search and found no other venue than 72 Lafayette Street in this City to meet its needs. For that reason, if Revival Day of Hope cannot use this venue, it could suffer the hardship of another planned but cancelled event due to weather as it did in 2023. That is a cost this non-profit cannot afford.

### 3. CONCLUSION

For the above reasons, Revival Day of Hope believes its use is permitted in zone OC. Alternatively, it believes it satisfies RSA 674:33, I(b) for obtaining a variance. Revival Day of Hope, therefore, respectfully requests the ZBA find that this is a permitted use or that granting the variance would not result in diminution of property values; granting the variance would not be contrary to the public interest; denial of the variance would be an unnecessary hardship to Revival Day of Hope; granting the variance would result in substantial justice; and granting the variance is not contrary to the spirit of the ordinance.