



PLANNING & DEVELOPMENT DEPARTMENT

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Planning & Zoning
Community Development
Conservation Commission
Historic District Commission
Arts & Culture Commission

MINUTES OF THE ROCHESTER ZONING BOARD OF ADJUSTMENT MEETING OF July 10, 2013 (Approved August 14, 2013)

The Chair called the meeting to order at 7:03 p.m. in the Council Chambers.

Roll Call:

Roll call was taken with the following members present:

Members Present

Ralph Torr, Chair
Lawrence Spector, Vice Chair
Robert Gates
Randy Lavallee
Robert Goldstein

Members Excused

Fidae Azouri, Alternate
Rose Marie Rogers, Alternate

Also present: Jim Grant, Director of Code Enforcement
Caroline Lewis, Zoning Secretary
Karen Grenier, Code Secretary

These minutes are the legal record of the meeting and are in the format of an overview of the Zoning Board of Adjustment meeting. It is neither intended nor is it represented that this is a full transcription. A recording of the meeting is on file in the Planning & Development Office for a limited time for reference purposes. It may be copied for a fee.

Approval of Minutes:

The minutes of June 12, 2013 were reviewed. Mr. Lavallee made a motion to accept the minutes as written, Mr. Spector seconded the motion. The motion passed unanimously by roll call vote.

The Chair welcomed Robert Goldstein as a Regular Member.

The Chair asked if members had any conflict with tonight's case. There were no conflicts. The Chair stated the five regular members would be voting on the cases this evening.

New Cases:

2013-22 Application by Timothy Landry for a variance under Article 42.16 Table 2 of the City's Zoning Ordinance to permit an addition 21' 7" from the rear lot line where 25' is required. Location: 9 McKinley Street Map 117 Lot 153 Residential 1 Zone

Mr. Timothy Landry came to the podium and read the five criteria.

The chair stated there was a waiver request for the need of a certified plot plan.

Mr. Gates made a motion to waive the certified plot plan based on the information provided and the distance into the setback will not create any problems to the abutting property. Mr. Lavalley seconded the motion.

The Chair asked if anyone wanted to speak for or against this case. No one came forward. The Chair asked if there were any City comments, and Mr. Grant stated he had no comments on this case. The Chair asked if any members had any questions for the applicant. There were no questions.

The Chair closed the public hearing portion of the case and the members worked on their criteria sheets.

Mr. Gates made a motion to grant the variance, as requested, for the following reasons: The variance will not increase congestion in the streets, the spirit of the ordinance is observed, because will not increase congestion in the streets. If granted the benefit to this individual applicant, outweighs any harm to the community as a whole. The value of surrounding properties will not be diminished because it will not generate levels of noise, light, activity or traffic that are significantly different from that which currently exist. Mr. Lavalley seconded the motion. The motion passed unanimously.

Mr. Grant advised that anyone aggrieved by this decision has 30 days to appeal.

2013-23 Application by Berry Surveying & Engineering, on behalf of Glenn Davids Integrity Automotive Inc. for two variances:

1. Under Article 42.8 Section (c)(3) a variance to permit a second wall sign to be situated along the hip of the roof on the North side of the building.
2. Under Article 42.8 Section (c)(5) a variance to permit a pole sign larger than allowed.

Location: 415 No Main Street, Map 114 Lot 4 Business 2 Zone

Mr. Berry approached the podium and read the variance criteria sheet and presented some history for the business he represented. This business moved from Somersworth to Rochester, NH, two years ago. The building has

always been used for auto repair. The additional wall sign is needed for better visibility for all directions.

Mr. Berry included an auto cad sketch of the pole sign and reader board. The sign lighting will meet lumen calculations and be in the same location as the pre-existing pole sign.

The Chair asked if anyone wanted to speak for or against this case. No one came forward. The Chair asked if there were any City comments, and Mr. Grant stated he had no comments on this case. The Chair asked if any board members had any questions for the applicant. Mr. Goldstein questioned the dimensions of the sign. Mr. Berry replied the pole sign will be 7 square ft. each side totaling 14 square ft.

There were questions as to where the pole sign is shown on the site plan. Mr. Berry got a copy of the site plan and marked where the pole sign would be. He presented for viewing with the auto cad display of the site. He also stated that the businesses in this area have multiple signs. There were no other questions from the board.

The Chair closed the public hearing portion of this case and the members worked on their criteria sheets.

Variance 2013-23 #1

Mr. Gates made a motion to grant the variance for a second wall sign as presented for the following reasons: The variance will not negatively impact health and the general welfare, the spirit of the ordinance is observed because it will not negatively impact health and the general welfare. If granted, the benefit to this individual applicant, outweighs any harm to the community as a whole. The value of the surrounding properties will not be diminished because it will not generate levels of noise, light, activity or traffic that are significantly different from that which currently exists.

Mr. Lavalley seconded the motion. The motion passed unanimously.

Variance 2013-23 #2

Mr. Gates made a motion to grant the variance for a pole sign as presented for the following reasons: The variance will not be contrary to the public interest because: It will not reduce safety from fires, panic, and other dangers, the spirit of the ordinance is observed because it will not negatively impact health and the general welfare. If granted, the benefit to this individual applicant, outweighs any harm to the community as a whole. The value of surrounding properties will not be diminished because It will not generate levels of noise, light, activity or traffic that are significantly different from that which currently exists. Mr. Lavalley seconded the motion. The motion passed unanimously.

Mr. Grant advised that anyone aggrieved by these decisions has 30 days to appeal.

Other Business:

None to discuss.

Adjournment:

Mr. Gates moved to adjourn at 7:25 pm. Mr. Lavalley seconded the motion. The motion passed unanimously.

Respectfully submitted,

Karen Grenier, Building, Zoning, Secretary