



BUILDING, ZONING & LICENSING SERVICES
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**ZONING BOARD OF ADJUSTMENT
NOTICE OF DECISION
Case No 2016-30**

November 14, 2016

2016-30 Jennifer Leigh Gibbs applicant, request a Variance to the terms of Article 42, Table 18-B and asked that said terms be waived, to permit a used car sales business in the Downtown Commercial Zone.

Location: 90 North Main Street, 0121-0017-0000, Downtown Commercial Zone

The Variance was **Denied** for the following reasons: The variance will be contrary to the public interest because: It will change the character of the district. It does not consider this district's suitability for this particular use. The spirit of the ordinance is not observed because: It will change the character of the district, and It does not consider this district's suitability for this particular use. Substantial justice is done because: If denied, the benefit to the community as a whole outweighs any disadvantage or harm to this individual applicant. Literal enforcement of the provisions of the ordinance will not result in an unnecessary hardship. For the purposes of this section "unnecessary hardship" means that, owing to special conditions* of the property that distinguish it from other properties in the area: A fair and substantial relationship does not exist between the general public purposes of the ordinance provision and the specific application of that provision to the property because: The property is in the downtown district and it will change the character of the district.

Mr. Ralph Torr - Chair
Rochester Zoning Board of Adjustment

It is the applicant's responsibility to obtain any applicable permits from local, state, and federal agencies. Contact the Department of Building, Zoning and Licensing Services at 332-3508 ext. 1, to apply for any necessary permits and certificates. Any work completed within the thirty (30) day appeal period, explained below, is at your risk. Note: Any person affected has a right to appeal this decision. A request for a rehearing is the first step of an appeal. The request must be submitted to the Department of Building, Zoning and Licensing within **thirty (30) days** (calendar days starting the day after the decision is made). If a rehearing is not granted, the next step is to appeal to Superior Court within thirty (30) days. If a rehearing IS granted, it is the responsibility of the original applicant to present the case to the Zoning Board, with the same obligations and following the same procedure used when the case was first heard.

CC: Ms. Jennifer Leigh Gibbs
Mr. Robert Foster
Assessing File
File