



City of Rochester, New Hampshire

Department of Building Safety
31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-1912

APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

Phone No 203-605-7255

DO NOT WRITE IN THIS SPACE

CASE NO. 2017-01

DATE FILED _____

klg
ZONING BOARD CLERK

Name of applicant Thomas J Demchak

Address 13 Riverwalk, Branford, CT 06405

Owner of property concerned Same
(If the same as applicant, write "same")

Address Same
(If the same as applicant, write "same")

Location 72 Crown Point Road

Map No. 235 Lot No. 50 Zone Agricultural

Description of property 2.14 acer parcel with single family dwelling

Proposed use or existing use affected Small farm and agricultural use. Boarding and raising of small and large livestock animals. Sales of farm raised provisions.

The undersigned hereby requests a variance to the terms of Article 42,
Section b.16/b.E/b.F and asked that said terms be waived to permit Commerical boarding and raising of 10 horses or
other large animals defined as livestock, with less then 3 acers. Owning and raising small livestock. Including existing structures and barns.

If applicable in this case, the undersigned also requests a waiver from the requirement to provide a certified plot plan, (see attached request sheet) Yes x No _____

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.

Signed _____
(Applicant)

Continue on Page 2

CRITERIA FOR VARIANCE

Case # _____

Date: 2/13/17

A Variance is requested by Thomas J Demchak

from Section 42 Subsection .b.16/.b.E/.b.F

of the Zoning Ordinance to permit: Commercial stables with 10 horses or other larger animals defined as livestock.

Raising of chicken, fowl or other small animal livestock. Sale of farm raised provisions.

at 72 Crown Point Road Map 235 Lot 50 Zone Agricultural

Facts supporting this request:

1) The proposed use would not diminish surrounding property values because:

See Attachment

2) Granting the variance is not contrary to the public interest because: _____

See Attachment

3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property: _____

See Attachment

4.) Granting the variance would do substantial justice because: _____

See Attachment

5.) The use is not contrary to the spirit of the ordinance because: _____

See Attachment

Name _____ Date: 2/13/17

Variance Requirements

1. The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting an agricultural home business that preserves and enhances the scenic character of the surrounding area. As such, the proposed use will not be contrary to the public interest, as the use will not "alter the essential character of the locality. Granting the variance will permit the location of barns and structures in the most appropriate location, and, given the significant amount of natural buffering, would not threaten the public health, safety or welfare.

2. The Applicant respectfully submits that if the variance was granted, the spirit of the ordinance would be observed because the use in question would permit a use that is suitable, considering the surrounding properties.

To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance's basic zoning objectives. The granting of the variance to allow for a relief from the parcel size and shape, especially in light of the configuration of the lot itself, will not significantly conflict or violate the ordinance's basic zoning objectives. Rather, the granting of the variance will promote the ordinance's basic zoning objectives, by permitting the existence of livestock on the land that maintains the spirit of the ordinance.

3. The grant of the variance would due substantial justice because it would allow the Applicant's property to be utilized in a similar fashion to other properties located within the area, by allowing boarding of horses and farming that would not impact the scenic quality of the neighborhood, and that would be consistent with the context of the area, where homes on agricultural land exist. In this instance, given proposed location of the structure and the buffering of the site, there will be no burden to the public whatsoever. Accordingly, the benefit to the Applicant would exceed the burden to the public, thus resulting in substantial justice being done.

4. It is publicly proven that all of the surrounding properties have a value associated with them that is premised upon the existence of the same type of buildings located upon the Applicant's property. In this instance, the location of the boarding and farming in the area sought by the Applicant will have no effect upon any abutter, with respect to its property, as the use will be consistent with other uses in the near vicinity, and consistent with the existing zoning. In addition, the lot is unique, as there already exists a significant amount of buffering on both sides of the property.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Narrative

The subject parcel is 2.14 acers off of Crown Point Road. In the Agricultural zone.

The property was purchased with the intent of agricultural use as it was marketed and zoned for that use. Have been actively running a business here since 2006, until recently I was in violation of several zoning codes.

42.20.b.16 – Commercial boarding of 10 or less large livestock animals.

42.23.b.E – Having horse 10 or less large livestock animals on under 3 acers parcel.

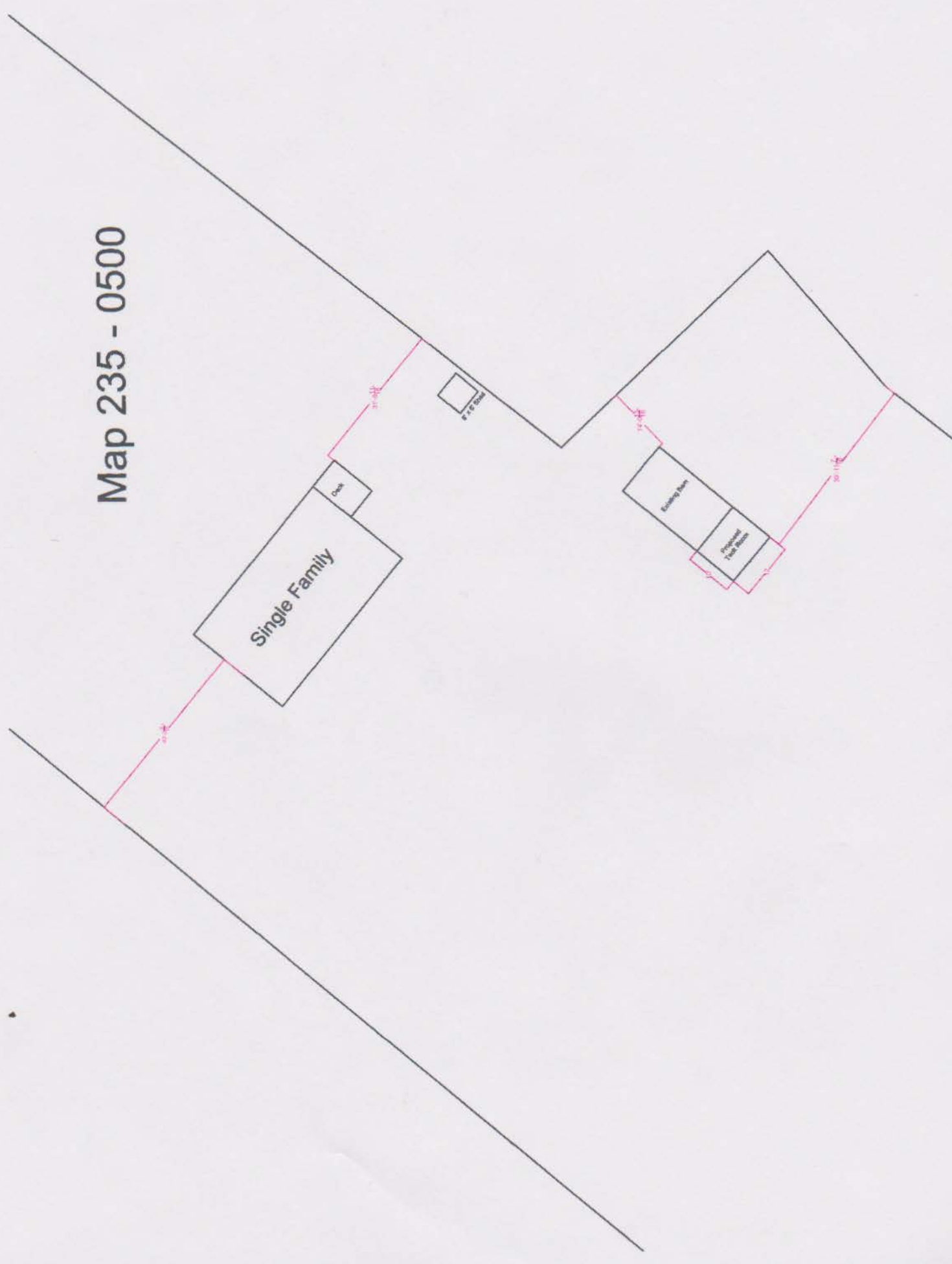
42.23.b.F – Having other small livestock.

Granting a variance would allow my business to continue in the home I love, and utilize the property in a way that will be an asset to the area and the City of Rochester.

Sincerely,

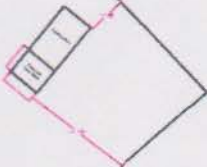
Thomas J Demchak

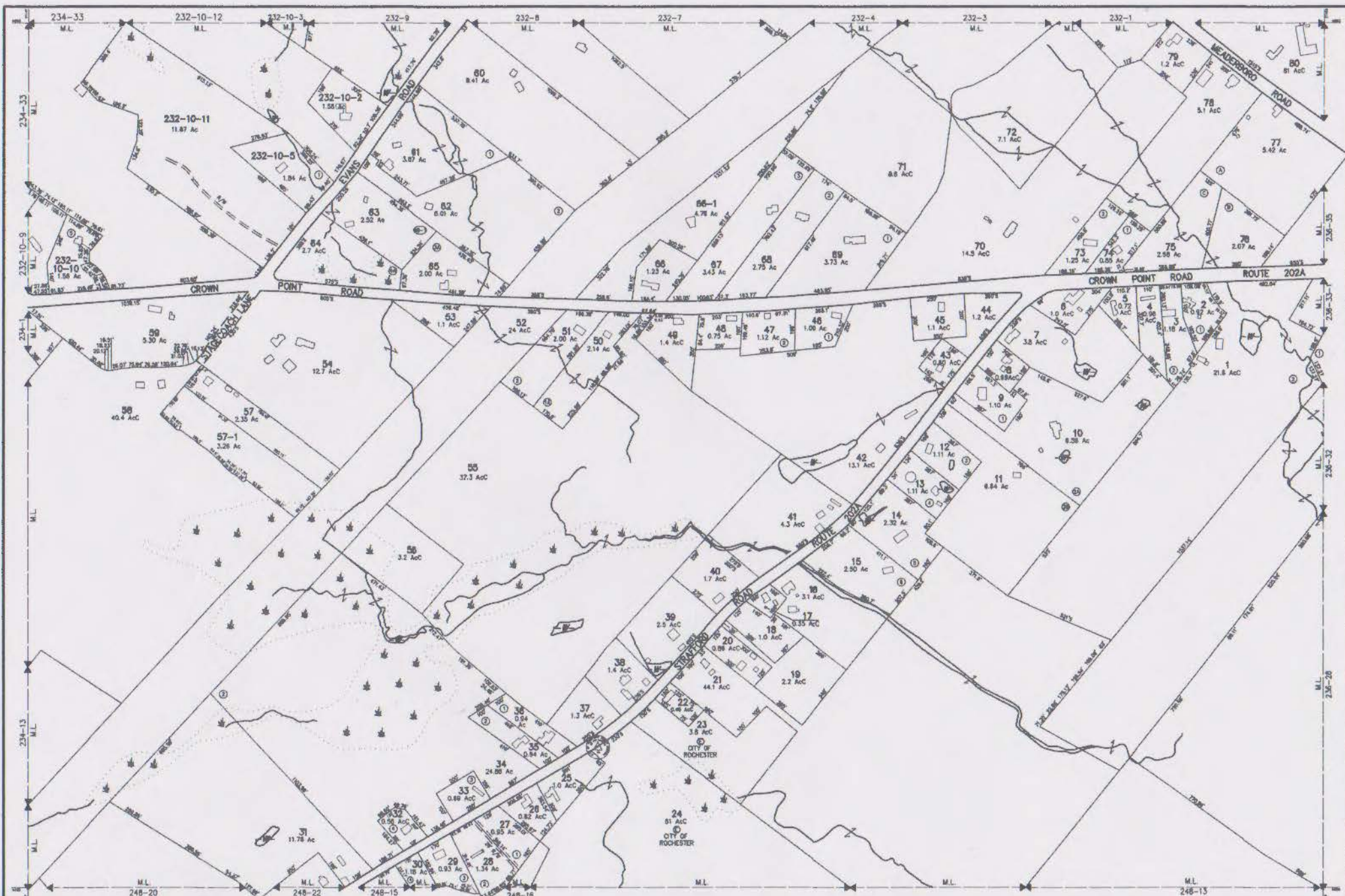
Map 235 - 0500



Crown Point Rd.

Map 235 - 0500





THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.
 THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM.
 PHOTOGRAPHY DATE: APRIL 28, 1990
 COMPLETION DATE: JUNE 30, 1992

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 11 PLEASANT STREET, LITTLETON, NH 03041
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AREA SURVEYED
 AREA CALCULATED
 RECORD DIMENSION
 MATCH LINE
 WATER

LEGEND
 AC
 A/C
 100'
 100'
 100'

EXEMPT PROPERTY
 SURVEYED LOT NO.
 BULKING
 POINT OF SALE
 COMMON OWNERSHIP
 WETLANDS

SCALE 1" = 200'
 FEET
 METERS
 REVISED TO: APRIL 1, 2016

PROPERTY MAPS
ROCHESTER
 NEW HAMPSHIRE

INDEX DIAGRAM
 233 232 231
 234 236
 248 247
MAP NO. 235

Google Maps



Imagery ©2017 Google, Map data ©2017 Google 50 ft

Google Maps 71 Crown Point Rd



Image capture: Sep 2012 © 2017 Google

Rochester, New Hampshire

Street View - Sep 2012

