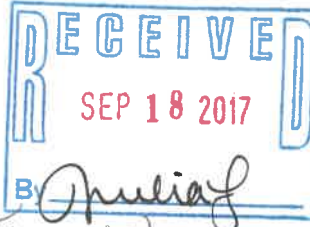




City of Rochester, New Hampshire
Department of Building, Zoning & Licensing Services
31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-1912
Web Site: www.rochesternh.net

APPLICATION FOR SPECIAL EXCEPTION

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER



DO NOT WRITE IN THIS SPACE

CASE NO. 2017-10

DATE FILED 09/18/17

Julia Libby
ZONING BOARD CLERK

Phone No. (603) 738-1828

Name of applicant Roberta M. FENTON

Address 2 Rochester Ave., Rochester NH 03867

(if same as applicant, write "same")

Owner of Property Concerned same

(if same as applicant, write "same")

Address same

(if same as applicant, write "same")

Location of property 2 Rochester Ave., Rochester NH

Map No. 109

Lot No. 19

Zone R1

The undersigned hereby requests a special exception as provided in

Article: Special Exception Section: 42.22 of the Zoning Ordinance

to permit an accessory apartment in the R-1 zone

Description of Property

(give length of the lot lines)

Frontage

Sides

Rear

Proposed use or existing use affected convert space above garage into

accessory apartment

Signed

(Applicant)

Date 9-15-17

42.22 Special Exceptions

(a) General Provisions

- (1) Certain uses, structures, or conditions are designed as Special Exceptions (E) in this ordinance. Upon application, the Board of Adjustment may, subject to the appropriate conditions and safeguards, grant a permit for these special exceptions and no others.
- (2) Special Exceptions, for which conformance to additional standards is required, may be permitted in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Section 42.23, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.
- (2) The Board of Adjustment may require that a site plan for development for a proposed Special exception be submitted showing the location of all buildings, parking areas, traffic access, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special exception is in harmony with the intent of this ordinance.

(b) Considerations Governing Granting Special Exceptions: In acting upon an application for a special exception, the Board of Adjustment shall take into consideration whether:

- (1) The specific site is an appropriate location for the proposed use or structure
YES ☒ NO ☐ Reasoning: *It is Accessory to a single family dwelling only.*
- (2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood
YES ☐ NO ☒ Reasoning: *The values of surrounding properties will not be diminished*
- (3) There will be undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off street parking
YES ☐ NO ☒ Reasoning: *Proposed use will not create any any undue hazard or nuisance*
- (4) Adequate and appropriate facilities and utilities will be provided to insure the Proper operation of the proposed use or structure
YES ☒ NO ☐ Reasoning: *Municipal sewer + water is provided*
- (5) The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan
YES ☒ NO ☐ Reasoning: *It won't change the appearance or value of the neighborhood.*

Please check Section 42.22 of the Rochester Zoning Ordinance for any additional specific conditions that apply to your Special Exception request.

Special Exception Application

Narrative 9-18-17

Roberta M. Fenton

2 Rochester Ave.

Rochester NH 03867

I am requesting a Special Exception of Section 42.22 of the Zoning Ordinance to permit an accessory apartment in the R-1 zone.


It is my belief that this exception is warranted based on the following information, as outlined in the criteria for such by the Rochester Zoning Board of Adjustment:

- the site is appropriate for the proposed use, which would not have a negative impact on the location (2 Rochester Ave.) or the neighborhood.
- there would not be undue vehicular hazard or nuisance created by the proposed use; no significant increase in traffic would occur.
- the residence facilities, city water and sewer, are sufficient to accommodate the structures proposed use.
- the proposed use is consistent with the spirit of this chapter in that there will be no exterior changes, so the values of the existing residence, and all surrounding properties aren't diminished.

Special Exception Application - continued

Because of these reasons, the intent and spirit of the Master Plan is preserved. The proposed use will not be injurious, harmful or detrimental to any party of interest.

Based on these facts and information, I respectfully request the Board's approval of this application.


Roberta M. Fenton

Request of waiver of requirement to have a Certified Plot Plan for Case # 2017 - _____

I request a waiver of the requirement to have a certified plot plan for the following reasons:

- There are no objections from any abutter, and:
- Based on the information provided, the distance into the setback will not create any problems to the abutting property because: there are no exterior changes

- The property is described in its deed as being bounded, on the side for which relief is requested, by a natural feature like a: (stone wall/ row of large trees/roadway, etc.)
N/A

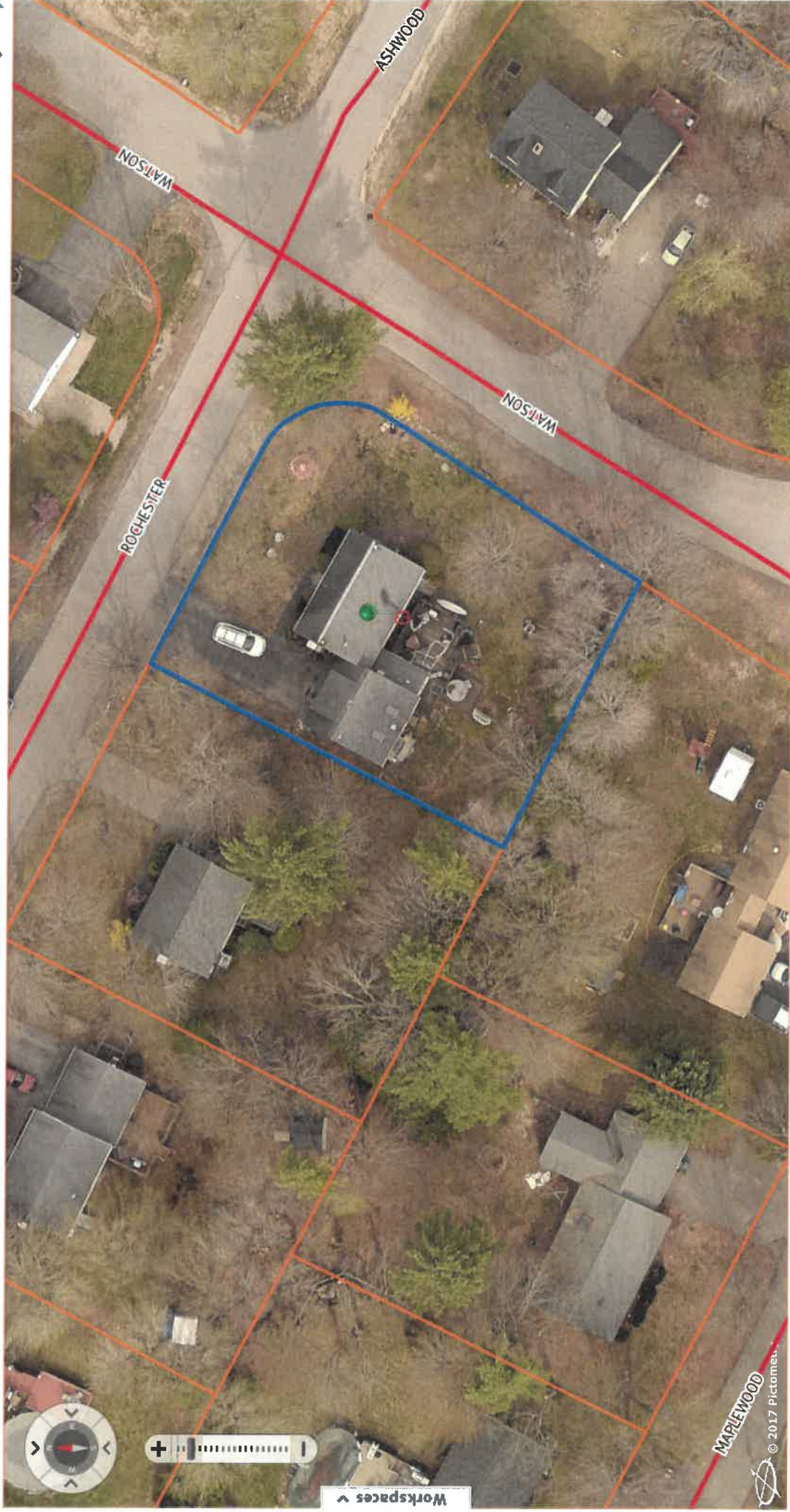
- The request for relief from the setback required is modest enough that the probability of a surveying error large enough to make a material difference is remote. Yes _____ No _____ N/A
- Information provided is based upon other surveyed parcels in the immediate vicinity and is consistent with the tax map information, so the probability of a surveying error large enough to make a material difference is remote. Yes _____ No _____ N/A
- The request for relief from the setback required is in a direction where any impact on the abutter is small or nonexistent and, should a large surveying error be found in the future, there is adequate land area to correct the problem through a lot-line adjustment. Yes _____ No _____ N/A
- Any other applicable information: this is for an accessory dwelling unit; there will be no changes to any exterior feature

Check with the Building Zoning & Licensing Services to see if it is necessary to fill out this form

TABLE 18-A RESIDENTIAL USES 8/7/2014

| RESIDENTIAL USES | Residential Districts | | | | Commercial Districts | | | | Industrial Districts | | | Special | | Criteria/Conditions Section Reference |
|--|-----------------------|----|----|-----|----------------------|----|----|----|----------------------|----|----|---------|---|--|
| | R1 | R2 | AG | NMU | DC | OC | HC | GI | RI | HS | AS | | | |
| Apartment, Accessory (accessory use) | E | P | P | P | P | P | P | - | - | - | - | - | - | Section 42.21 & 42.23 |
| Apartment, Inlaw | P | P | P | P | P | P | P | - | - | - | - | - | - | |
| Apartment, Security | - | P | - | P | P | P | P | P | P | P | P | P | P | Sections 42.2 & 42.23 |
| Assisted Living Facility | - | C | C | C | C | C | C | - | - | C | - | - | - | Section 42.21 |
| Boarding House | - | - | - | - | E | - | - | - | - | - | - | - | - | |
| Community Residence - I | - | E | E | - | E | E | E | - | E | E | - | - | - | Section 42.22 |
| Community Residence - II | - | - | E | - | - | E | - | - | E | E | - | - | - | Section 42.22 |
| Conservation Subdivision | C | C | C | - | - | C | C | - | - | - | - | - | - | Sections 42.21 & 42.33I |
| Dwelling, Apartments (Apt/ Mixed Use Bldg) | - | - | - | P | P | C | P | - | - | - | - | - | - | Section 42.21 |
| Dwelling, Multifamily Development | - | P | - | - | C | - | P | - | - | - | - | - | - | Sections 42.20 & 42.22 |
| Dwelling, Multifamily | - | P | - | - | C | - | P | - | - | - | - | - | - | |
| Dwelling, Single Family | P | P | P | P | P | P | P | - | - | P | - | - | - | |
| Dwelling, Three & Four Family | - | P | - | C | C | C | P | - | - | - | - | - | - | Sections 42.21 & 42.33 |
| Dwelling, Two Family | - | P | P | P | P | P | P | - | - | - | - | - | - | Sections 42.21 & 42.33 |
| Flag Lots | - | C | C | - | - | - | - | - | - | C | - | - | - | Section 42.21 |
| Home Occupation - 1 (accessory use) | P | P | P | P | P | P | P | - | - | P | - | - | - | Section 42.24 |
| Home Occupation - 2 (accessory use) | P | P | P | P | P | P | P | - | - | P | - | - | - | Sections 42.22 & 42.24 |
| Home Occupation - 3 (accessory use) | - | E | E | P | P | P | P | - | - | E | - | - | - | Sections 42.22 & 42.24 |
| Manufactured Housing Unit on own lot | - | - | P | - | - | - | - | - | - | - | - | - | - | Sections 42.20 & 42.21 |
| Nursing Home | - | - | C | - | - | C | - | - | - | P | - | - | - | Sections 42.20 & 42.21 |
| Outdoor Wood-Fired Hydronic Boiler | - | - | P | - | - | - | - | - | - | - | - | - | - | Section 42.20 |
| Porch Subdivision | - | - | C | - | - | - | - | - | - | - | - | - | - | Section 42.21 |
| Residential Facility | - | - | E | - | - | E | - | - | E | E | - | - | - | Section 42.22 |
| Senior Housing | - | P | C | C | C | C | - | - | - | - | - | - | - | Section 42.21 |
| Temporary Structure | P | P | P | P | P | P | P | P | P | P | P | P | P | Section 42.20 |
| Zero Lot Line Development | C | C | C | - | - | C | C | - | - | - | - | - | - | Section 42.33 |

*LEGEND. P = Permitted Use, C = Conditional Use, E = Use Allowed by Special Exception



SKETCH

| | | |
|------------------------------|--|----------|
| Type: 08 - COLONIAL | | |
| Qty Ht: 2 - 2 | | |
| (Liv) Units: 1 | | Total: 1 |
| Foundation: 1 - CONCRETE | | |
| Frame: 01 - WOOD | | |
| Prime Wall: 4 - VINYL | | |
| Sec Wall: | | % |
| Roof Struct: 1 - GABLE | | |
| Roof Cover: 1 - ASPH SHINGLE | | |
| Color: TAN | | |
| View / Desir: A - AVERAGE | | |

OTHER FEATURES

| | |
|----------------------------|------------------|
| Roof Struct: | 1 - GABLE |
| Roof Cover: | 1 - ASPH SHINGLE |
| Color: | TAN |
| View / Desir: | A - AVERAGE |
| GENERAL INFORMATION | |
| Grade: | C+ - AVG. (+) |
| Year Blt: | 1977 |
| Eff Yr Blt: | |

| | |
|-----------|--|
| Location: | |
|-----------|--|

| | |
|----------------|-------------|
| Year Blt: 1977 | Eff Yr Blt: |
|----------------|-------------|

REMODELING RES BREAKDOWN

| | |
|-----------------------------|---|
| Const Mod: | |
| Lump Sum Adj: | |
| INTERIOR INFORMATION | |
| Avg Ht/Ft: STD | |
| Prim Int Wal 1 - DRYWALL | |
| Sec Int Wall: | % |
| Partition: T - TYPICAL | |
| Prim Floors: 8 - AVERAGE | |
| Sec Floors: | % |

DEPRECIATION

| | |
|--------------------------|--|
| Avg Ht/FL: STD | |
| Prim Int Wal 1 - DRYWALL | |
| Sec Int Wal: % | |
| Partition: T - TYPICAL | |
| Prim Floors: 8 - AVERAGE | |
| Sec Floors: % | |

| |
|----------------|
| Avg Ht/FL: STD |
|----------------|

| | | |
|--------------|-------------|---|
| Prim Int Wal | 1 - DRYWALL | |
| Sec Int Wal: | | % |
| Partition: | T - TYPICAL | |
| Prim Floors: | 8 - AVERAGE | |
| Sec Floors: | | % |

COMPARABLE SALES

| | | |
|-------------|------|-----------------|
| Bsmnt Gar: | | |
| Electric: | 2 | - GOOD |
| Insulation: | 2 | - TYPICAL |
| Int vs Ext: | SAME | |
| Heat Fuel: | 1 | - OIL |
| Heat Type: | 3 | - FORCED HW |
| # Heat Sys: | 1 | |
| % Heated: | 100 | % AC: |
| Solar HW: | NO | Central Vac: NO |
| % Com Wal | | % Sprinkled |

0109-0019-0000

| Size/Dim | Qual | Con | Year | Unit |
|----------|------|-----|------|------|
| | C | AV | 2003 | |

SUB AREA DETAIL

AssessPro Patriot Properties, Inc



More: N Total Yard Items: Total Special Features: Total:



0 Abutters List Report

Rochester, NH
September 18, 2017

Subject Property:

Parcel Number: 0109-0019-0000
CAMA Number: 0109-0019-0000
Property Address: 2 ROCHESTER AVE

Mailing Address: FENTON DENNIS P & ROBERTA M
P O BOX 805
ROCHESTER, NH 03866-0805

Abutters:

Parcel Number: 0109-0018-0000
CAMA Number: 0109-0018-0000
Property Address: 1 MAPLEWOOD AVE

Mailing Address: HUNTER RYLAN & BILODEAU
MICHELLE
1 MAPLEWOOD AVE
ROCHESTER, NH 03867-2014

Parcel Number: 0109-0019-0000
CAMA Number: 0109-0019-0000
Property Address: 2 ROCHESTER AVE

Mailing Address: FENTON DENNIS P & ROBERTA M
P O BOX 805
ROCHESTER, NH 03866-0805

Parcel Number: 0109-0020-0000
CAMA Number: 0109-0020-0000
Property Address: 4 ROCHESTER AVE

Mailing Address: SPARKS CYNTHIA D
4 ROCHESTER AVE
ROCHESTER, NH 03867-2021

Parcel Number: 0109-0028-0000
CAMA Number: 0109-0028-0000
Property Address: 15 WATSON DR

Mailing Address: FRENCH DONALD E LIVING REV TRUST
OF 2008
15 WATSON DR
ROCHESTER, NH 03867-2039

Parcel Number: 0109-0062-0000
CAMA Number: 0109-0062-0000
Property Address: 16 WATSON DR

Mailing Address: DUFRESNE WILLIAM A & RUTH E
16 WATSON DR
ROCHESTER, NH 03867

Parcel Number: 0109-0063-0000
CAMA Number: 0109-0063-0000
Property Address: 20 WATSON DR

Mailing Address: SARGENT SHANE C
20 WATSON DR
ROCHESTER, NH 03867



www.cai-tech.com

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Special Exception Application Checklist

- ☒ It must be determined that your proposed use is not permitted without a special exception. Most often this determination is a denial of a building permit.
- ☒ Complete the application form.
- ☒ **You must complete the 42.22 Special Exceptions sheet, addressing the 5 questions**
If the special exception is for a garage, you must also complete the Garage Setbacks sheet
- ☒ A narrative explaining what you are requesting the special exception for.
- ☒ If the applicant is not the property owner, he/she must supply a note signed by the property owner stating his/her knowledge of the application being submitted to the Zoning Board of Adjustment. The property owner will receive a copy of the public hearing notice by certified mail along with the abutters.
- ☒ A sketch (see attached example) including the following.
 - ☐ Measurements of the distances from any existing structure to the lot lines. If the proposed structure is not attached to the building you will need the distance between buildings.
 - ☐ Dimensions of the lot. A certified plot plan of your property is required by the Zoning Board. If you do not have a certified plot plan you may request a waiver (see the secretary for details)
 - ☐ If for a garage, all appropriate information on proposed garage (see samples)
- ☒ Photographs, if you have them.
- ☒ Abutter's list. **This information must be obtained from the Zoning Secretary in the Building, Zoning and Licensing Office from their computer.** The applicant must pay the cost of the certified fee for each abutter, applicant and any other applicable person on the abutter list, including applicant (See Zoning Secretary for current fee)
- ☒ **Application fee \$175.00** (make check payable to City of Rochester).

All of the above information must be completed and submitted to the Building, Zoning & Licensing Department on or before the deadline date, or the application will be considered incomplete and will be postponed until the next scheduled meeting, or until all the requirements have been met.

NOTE: All applications will be allowed one (1) postponement of the hearing on their application, and shall notify the Planning Office in writing of their intent to postpone such hearing at least two (2) days prior to the meeting at which their application is to be considered. If the applicant requests a second (2nd) postponement of the hearing, the application will be considered to have been withdrawn and the applicant must file a new application with the Board in order to receive a hearing. The provisions of this paragraph shall not apply to any postponement requested by an applicant as a result of the inability of the Zoning Board of Adjustment to provide the applicant with a five-member board for the hearing on the application.

The applicant or their representative MUST attend the Zoning Board of Adjustment meeting to present their case, or no action will be taken.

If you have any questions with any of these requirements, please call **Julia Libby or Dee Mondou** 603-332-3976 or e-mail at julia.libby@rochesternh.net; dee.mondou@rochesternh.net

 9-15-17
Applicant Signature & Date:

EMAIL: rmfenton425@gmail.com