

(Applicant) **EMAIL:** rigazio4@comcast.net

City of Rochester, New Hampshire

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

APPLICATION FOR A VARIAN

| | APPLICATION FOR A VAR | IANCE Expulia Lucy |
|---------------------------|---|--|
| TO: | BOARD OF ADJUSTMENT | DO NOT WRITE IN THIS SPACE |
| | CITY OF ROCHESTER | CASE NO. <u>2017-12</u> |
| | 603-475-5702 rigazio4@comcast.net pplicant: RIGZ Enterprises, LLC, Rich Rigazio | DATE FILED 9/20/17 Julia Libby ZONING BOARD CLERK |
| | 67 Lafayette Road, Seabrook, NH 03874 | |
| | property concerned: same (If the same as applicant, w | rite "same") |
| Address:_ | (If the same as applicant, write "same") | |
| Location: _ | 17 Signal Street, Rochester, NH 03867 | |
| Map No.:_ | 120 Lot No.: 19 Zone | : <u>Downtown Commercial</u> |
| Description sales and ser | n of property: Existing 4800+/- SF building with limit vice business. | ed parking. Used as power equipment |
| Proposed parking and | use or existing use affected: 1000 SF building addit stormwater infrastructure. | ion to existing building with additional |
| 19-B (footnot | signed hereby requests a variance to the terms of a 1) and asked that said terms be waived to p Map 120 Lot 19 to be allowed to have a 3.1 ft side setba | ermit The addition to the existing |
| The undersi | gned alleges that the following circumstances exist was ler the strict terms of the Zoning Ordinance and thus Signed | which prevent the proper enjoyment of constitute grounds for a variance. |

CRITERIA FOR VARIANCE

Case #

| | | | Date | e: <u>9/20/1</u> | 7 |
|--|-------------------|---------|-----------|------------------|---------------------|
| A Variance is requested by | | | | -1 | |
| from Section 42.6.c.3.B.ii.b | Subse | ection_ | Table | 19-B (fo | otnote 1) |
| of the Zoning Ordinance to permit: A sid | | | | n.) for the | 1000sf |
| at_17 Signal Street | _ Map <u>_120</u> | _Lot_ | 19 | _Zone | DC |
| Facts supporting this request: | | | | | |
| 1) The proposed use would not diminish proposed addition will not diminish surroundicommercial use. The proposed addition was of | ng property val | ues bec | ause it v | vill be atta | ched to an existing |
| as the existing building and not make the non- As recently as 1997 the building on Lot 19 ex | | | | | |
| and was within 0.8 ft of the side property line. line today. The setback is 10 ft according to the | | | | | |
| Residential zone setback to be applied to the I adjacent. Surrounding Property values will not | | | | 0.000 | |
| property on Map 120 lot 19 has always been co 2) Granting the variance is not contrary to | | | | | this. |
| Granitng the variance is in the public interest be not make the existing building any more non-c | | | | | |
| and its proposed addition creates no change to | the public inte | rest | | | |
| 3.) Denial of the variance_would result in | unnecessary | hards | hip to th | ne owner | because of the |

following special circumstances of the property: The existing building was built circa 1998 which pre-dates the current Zoning Section & Subsection in question; so it too is in non-conformance. Surrounding properties are also non-conforming, many more so that the property in question. Map 120 Lot 18, for instance, is supposed to have a 10 ft side setback and 25 ft rear setback. The structure on lot 18 has a 1 ft side setback and a 0.5 ft+/- rear setback. Denial of the variance for the proposed addition would result in unnecessary hardship because the surrounding properties are all in non-conforming configurations, the existing building that is being added onto was built at a time where the footnote creating the non-conformity did not exist in the dimensional table. The existing building being added on

to is itself is within the side setback today. If the 10 ft setback had existed at the time of construction the building would have been built to respect that setback and also likely would have been oriented to run parallel to the side property line to avoid the issue we are addressing with the variance. By adding on to the non-conforming structure and following the same plane of the existing building's side wall the proposal does not make the structure any more non-conforming.

- 4.) Granting the variance would do substantial justice because: Substantial justice will be done by allowing the variance because the existing building was constructed circa 1998 at a time when there was no side setback. The building on Map 120 Lot 19 existed prior to the conflicting Zoning dimensional table footnote requiring the setback of the adjacent residential zone be applied, in this case a 10 ft side and 25 ft rear. Additionally, all other adjacent buildings, in both the DC and R2 zones, pre-date the current Zoning Section & Subsection and are also non-conforming in either the side or rear setbacks. The proposed addition was oriented to have its rear wall running along the same plane as the existing building, and thus not be any more non-conforming than the existing structure. As stated previously the building on lot 18 is 1 ft from its side property line. The proposed addition would be 3.1 ft from the side property line of lot 19. All other requirements of the dimensional ordinance for the Downtown Commercial Zone are respected.
- 5.) The use is not contrary to the spirit of the ordinance because: The proposal is not contrary to the spirit to the ordinance because the Downtown Commercial District allows Commercial buildings to have no side or rear setback when the surrounding properties are also in the DC Zone. All of the abutting properties are also non-conforming, some much more so than the proposal on lot 19. This non-conformity was created by revision to the ordinance and rezoning over the years. As we've demonstrated, the existing subject building, and all other adjacent buildings in both the DC and R2 zones, pre-date the current Zoning Section & Subsection. Granting this variance would be in the spirit, and consistency, of the existing neighborhood setbacks. And more importantly, consistent with the true intent of Section 42.6.c.3.B.ii.a; stating there are no side or rear yard setbacks in within the DC Zone.

Name Nichard R Lundborn P F

Date: 9/20/17

J:\PLAN\ZBA\Applications\VarianceCriteria.pg2.doc2016

CLD | Fuss & O'Neill

September 20, 2017

James Grant
Director of Building, Zoning, and Licensing Services
Rochester City Hall
31 Wakefield Street
Rochester, NH 03867

Re: City Beverage Site Development

17 Signal Street, Rochester, NH 03867

Tax Map 102, Lot 19

Variance Application Narrative

CLD | Fuss & O'Neill Reference No. 17-0235

Dear Mr. Grant,

On behalf of RIGZ Enterprises, LLC, CLD | Fuss & O'Neill is submitting a variance from Section 42.6.c.3.B.ii.b Subsection Table 19-B (footnote 1) of the Zoning Ordinance to permit a non-conforming side yard setback for the proposed addition to the existing 17 Signal Street building. The property is located within the Downtown Commercial Zone, and Special Downtown Overlay District, and abuts the R2 Zone.

The property owner of 17 Signal Street wishes to build an addition, in the rear of the property, which will facilitate the conversion of the existing business to a package store. The addition and associated pavement will create a loading dock, bathroom facilities, and employee parking area. This addition of 1000sf will maintain a consistent plane along the building's eastern façade. In doing so, the rear corner of the addition will be 3.1ft from the side property line (to the east). Per Section 42.6.c.3.B.ii.b, and Table 19-B (footnote 1) of the Zoning Ordinance, this proposed setback does not meet minimum side yard setback of 10ft. Although the eastern corner of the existing building is 5.7ft, which is also non-conforming. Due to the existing building and the proposed addition being non-conforming, and as further outlined in the Variance Application submitted herein, the property owner is requesting a variance.

If you have any questions, please do not hesitate to contact me at (207) 363-0669 x314 or RickL@cldengineers.com.

Very truly yours,

Rick R. Lundborn, P.E.

RRL:fsd

Enclosures

cc w/encls.: RIGZ Enterprises, LLC

TABLE 19-B DIMENSIONAL STANDARDS - COMMERCIAL DISTRICTS 8/7/2014

| | | | Lots | | | Setbacks | cks | | | Standards | lards | | Notes, and References |
|-----------------------------|---|-------------------------------|--|-----------------------------------|----------------------------|----------------------------|---------------------------|---------------------------|---------------------------------|---|-----------------------------|-----------------------------|--|
| COMMERCIAL ZONING DISTRICTS | Minimum Lot Area (Square feet) | Minimum Frontage (feet) | Minimum Minimum Areal Lot Acea Frontage (feet) (Square feet) (Square feet) (%) | Maximum Lot Coverage (%) | Minimum Front (Feet) | Maximum Front (Feet) | Minimum Side (Feet) | Minimum Rear (Feet) | Maximum Number of Stories | front Front Side Rear Number of Number of (Feet) (Feet) (Feet) (Feet) Stories Stories | Maximum Height (Feet) | Minimum Height (Feet) | A " - " means there is no dimensional standard for this item. |
| DOWNTOWN COMMERCIAL (DC) | | | | | | | | | | | | | |
| All Uses | 4,000 | 40 | 5000/75002 | | , | 01 | ۲, | 15 | 2 | 2 | | 20 | See Section 42.19(B)(8) Density Rings |
| OFFICE COMMERCIAL | | | | | | | | No. | | | | | |
| All Uses | 10,000 | 80 | 5000 2 | 75 | 10 | | 101 | 25 | е | , | | | See Section 42.19 - Dimensional Standards |
| HIGHWAY COMMERCIAL | | | | | | I.B. | | | | | | | |
| All Uses | 20,000 | 100 | 5000/75002 | 85 | 20 | | 101 | 25 | ю | 1 | 1 | | See Section 42.19 - Dimensional Standards and 42.19(B) (8) Density Rings |
| GRANITE RIDGE | | | | | | | | | | | | | |
| All Uses | , | 20 | | , | | | | | | , | | | |

Note 1: For lots that adjoin a residential district, the side setback on the side adjoining the residential district shall be the larger of the required side setback on the adjoining residential district shall be the required per additional dwelling unit beyond one.

Note: For lots without both water and sewer, 10,000 square feet of lot area is required per additional dwelling unit beyond one.

Note: For lots without City sewer, the New Hampshire Division of Environmental Services (NHDES) requires minimum lot sizes which may be larger than those shown here.



map: Auto (Ortho) • Dates: All • < image 12 of 40 > 11/30/2012

| PROPERTY LOCATION No Alt No Direction/Street/City 17 SIGNAL ST, ROCHESTER OWNERSHIP Owner 1: RIGZ ENTERPRISES 1.0. | - | | | | | | | | | |
|--|------------------|-------------------------|------------------------|-------------|--------------------------------------|---------------------|-----------------------|-----------------------------------|---|-------------------|
| AL S | 2 | ت | LOT2 | LOT3 | J | CARD | Rochester | 1139! fer | | |
| SIGNAL S | | IN PROCESS A | S | | | | | | | |
| FNT | City | se Code | | | | | | Legal Description | User Acct | |
| FNTERPRISESTIC | | 321 | 171,400 | 6,700 | 0.560 | 131,400 | 309,500 | | 27169 | |
| | | | | | | | | | GIS Ref | |
| Owner 2 | | | | | | | | | Je Boe | |
| Owner 2: | | Total Card | 171,400 | 6,700 | 0.560 | 131,400 | 309,500 | Entered Lot Size | IAN CIO | - |
| Ctroot 1: 167 AEAVETTE DD | | Total Parcel | 171,400 | 6,700 | 0.560 | 131,400 | 309,500 | Total Land: 0.56 | | 10TIOL |
| Street 2. | | Source: Market Adj Cost | ket Adj Cost | Total Value | Total Value per SQ unit /Card: 64.48 | | /Parcel: 64.48 Land | Land Unit Type: AC | Insp Date | A Properties Inc. |
| Tour Off App Only | | | | | | • | | | | 0101 |
| ABROOK . | 3 | PREVIOUS ASSESSMENT | SESSMENT | - 1 | - 1 | | 120-0019 | | | DOEK DETINED |
| Cutry | Own Occ: N | Tax Yr Use Cat | t Bldg Value | | Land Size Land Value | Total Value | Asses'd Value | Notes Date | | Prior id # 1: |
| Postal: 03874-4511 Ty | Type: | 2017 321 FV | ٧ 171,400 | 0029 | .56 131,400 | 00 309,500 | 309,500 Year End Roll | 21/16 | | Prior Id # 2: |
| PREVIOUS OWNER | | 2016 321 FV | | 6700 | .56 131,400 | | 309,500 Year End Roll | | Date Time | Prior Id #3: |
| Owner 1: COLBATH H WILLIAM & CAROL R - | | 321 | | | .56 131,400 | 00 309,500 | 309,500 Year-end | 10/1/2015 | Ť | Prior Id # 1: |
| Owner 2: - | | 321 | v 171,400 | 0029 | | | 309,500 Year End Roll | 30II 9/29/2014 | U9/ZU/1 / 15:31:41 | Prior Id # 2: |
| Chart 4, 202 OTU OT I AVE VIII AVE | | 2013 321 FV | v 185,100 | 9200 | .56 131,400 | 00 323,200 | 323,200 Year End Roll | Roll 9/4/2013 | LAST REV | Prior Id #3: |
| Street 1: 323 61H ST LANE VILLAGE | | 321 | | 6700 | | | 323,200 Year End Roll | | Date Time | Prior id # 1: |
| NOMIS | | 321 | | | | | 323,200 Year End Roll | | + | Drior Id # 5. |
| St/Prov: FL Cntry | | 1 | Ì | | | | 323,200 roll | | 7 8 | Prior id # 2. |
| Postal: 342/5-15/5 | | CALES MESON | MOLTA | | TAX DISTDICT | | | TOOK TAG | a conta | , 10 ld # c. |
| NARRATIVE DESCRIPTION | | SALES INFORMATION | MALION | ŀ | 2 | - | | PAI ACCI. | | ASK Map: |
| This Parcel contains .56 AC of land mainly classified as | sified as | Grantor | | lype | | Sak | V IST Veril | Assoc PCL value | Notes | Fact Dist: |
| HARDWR-BLDG with a(n) W DISC STORE Building Built about | ding Built about | COLBATHHWILL | 4282-438 | 3/20/2015 | | 9 400,000 No | | | 000000000000000000000000000000000000000 | Reval Dist: |
| 1997, Having Primarily CORREG MTL Exterior and | pue | COLBAIR R WICLI | | | 97 FlowAssemb | | 2 : | COMBINES | COMBINES MAP 120 LOTS 19 & 20 | Year. |
| TAR+GRAVEL Roof Cover, with 1 Units, 0 Baths, 1 HalfBaths, | s, 1 HalfBaths, | PAKADIS EN IEKPK | 7 1028-366 1028-366 | 1/31/19/9 | £ - | | ON ON | | 1 | LandReason: |
| 0 3/4 Baths, 0 Rooms Total, and 0 Bdrms. | | DADANIC & DOLL V | ľ | 1/4/1074 | | | ON ON | | | BldReason: |
| O HEK ASSESSMEN S | 11 110 | MICHAEL CEODOE | | 12/1/19/4 | 272 | | | | | |
| Code Descriptino Amount | COIII. IIII | ואוסדאבר סבסאם | | 711177 | 200 | | | | | |
| | | | | | | | | | | |
| | | BUILDING PERMITS | - 1 | | | - 1 | | ACTIVITY INFORMATION | MATION | |
| | | | | Amount C/O | Last Visit | Fed Code F. Descrip | rip Comment | Date | Result By | Name |
| Hom Code Descin % Item Code | do Decrin | | | S89 C | 2/27/2015 | | | 6/29/2016 OWN ADD CHG | CHG | LEONA |
| DTC DOWNTOW 100 | 2 | 12/18/2007 07-17/05 | WAIEKHE | 1,000 CE | 3/18/2008 | | | 4/20/2015 DEED CHANGE | | VERNA |
| | CITY WATER | | | 1,000 CF | 3/18/2008 | | CIDE DAMACE | 12/3/2004 OWIN ADD CHG | | VINGINIA |
| | SAS | | | 1,000 CL | 10/27/2004 | | | 0/10/2004 OWIN ADD CITS | | VIDCINIA |
| Census: | | | 5 | 160 000 C | 007170 | | NEW BIDG | 8/30/2002 CIVIN ADD CHG | | VIDGINIA |
| | | | | 0 | | | | | | |
| D RO ROCHESTER Topo 1 | LEVEL | | | | | | | | | |
| Street 1 | PAVED | | | | | | | | | |
| t Traffic 5 | HEAVY | | | | | | | Sign. | 4 17 | - |
| LAND SECTION (First 7 lines only) | | | | | | | | Gigur. | | |
| Use Description LUC No of Units Depth / Code PriceUnits | Unit Type | Land Type Factor | Base Unit Price | Adj Neigh | Neigh Neigh In Influ Mod | infi 1 % Infi 2 | % Infl3 % | Appraised Alt % Sy Value Class Lz | Spec J Fact Use \ | Use Value Notes |
| 321 HARDWR-BLI 0.56 | PRIMARY A SITE | 1.0 | 0 135,000. | 1.739 3010 | | | | 131,436 | - | 131.400 |
| | | | | | | | | | • | |

| Total AC/HA: 0.56000 | Total SF/SM: 24393.60 | Parcel LUC: 321 | HARDWR-BLDG | Prime NB Desc COMMERCIAL | | Total: | 131,436 Spl C | Spl Credit | Total: | 131,400 |
|----------------------------|---------------------------------|-----------------|----------------------|--------------------------|-----------|--------|---------------|------------|--------|---------|
| Disclaimer: This Informati | ion is believed to be correct t | t is subject to | change and is not wa | arran | AssessPro | | illia | | | |

Parcel LUC: 321

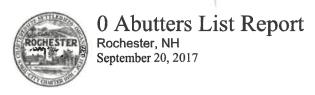
Total SF/SM: 24393.60

Total AC/HA: 0.56000

2018

Variance Application Checklist

| | Complete the | application form. | | |
|---|---|--|--|--|
| | You must con Supreme Cou | mplete the "Criteria for a Variance" sheet, addressing the 5 items set forth by the NH urt governing the granting of Variances. | | |
| X | A narrative ex | plaining what you are requesting the variance for. | | |
| | his/her knowle | t is not the property owner, he/she must supply a note signed by the property owner stating edge of the application being submitted to the Zoning Board of Adjustment. The property eive a copy of the public hearing notice by certified mail along with the abutters. | | |
| \boxtimes | 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. (If the variance is requesting relief from a setback regulation – The Zoning Board of Adjustment requires a certified plot plan of the property, if that is not available, you can ask for a waiver – see the secretary for details) | | |
| | Photographs, i | f you have them. | | |
| | Licensing Of abutter, appl | This information must be obtained from the Zoning Clerk in the Building, Zoning and fice from their computer. The applicant must pay the cost of the certified fee for each icant and any other applicable person on the abutter list, including applicant (at this time each)(See-Zoning Secretary for Current Fee) | | |
| | and 75' | etlands on the parcel, refer to the City's Ordinance Chapter 42.12 (c) for wetland buffers of 50' ng for a variance regarding wetlands, the applicant must receive all necessary State permits. | | |
| | Application fee \$175.00 (make check payable to City of Rochester). A check for the certified mail amount is also due when the application is submitted. One check is sufficient for both fees. One Electronic (PDF) and ten (10) copies are required. | | | |
| deadline | e date, or the ap | ation must be completed and submitted to the Building, Zoning Department on or before the oplication will be considered incomplete and will be postponed until the next scheduled meeting, ents have been met. | | |
| Building which the app the Boa requeste | A Zoning Offic neir application is lication will be ard in order to ed by an applica | will be allowed one (1) postponement of the hearing on their application , and shall notify the e in writing of their intent to postpone such hearing at least two (2) days prior to the meeting at is to be considered. If the applicant requests a second (2nd) postponement of the hearing, a considered to have been withdrawn and the applicant must file a new application with receive a hearing. The provisions of this paragraph shall not apply to any postponement ant as a result of the inability of the Zoning Board of Adjustment to provide the applicant with a the hearing on the application. | | |
| to pres | ent their case, ave any questic | representative MUST attend the Zoning Board of Adjustment meeting or no action will be taken. ons with any of these requirements, please call Karen Grenier il at karen.grenier@rochesternh.net Applicant Signature & Date | | |
| | | EMAIL: rigazio4@comcast.net | | |



Subject Property:

Parcel Number:

0120-0019-0000

CAMA Number:

0120-0019-0000

Property Address: 17 SIGNAL ST

Mailing Address: RIGZ ENTERPRISES LLC

167 LAFAYETTE RD

SEABROOK, NH 03874-4511

210.60 t

Abutters:

Parcel Number: 0120-0011-0000

CAMA Number:

0120-0011-0000

Property Address: 10 OLDE FARM LN

Parcel Number: CAMA Number: 0120-0018-0000

Property Address: 11 OLDE FARM LN

0120-0018-0000

Parcel Number: CAMA Number: 0120-0019-0000 0120-0019-0000

Property Address:

17 SIGNAL ST

Parcel Number:

0120-0021-0000

CAMA Number: Property Address: 0 SIGNAL ST

0120-0021-0000

Parcel Number:

0120-0022-0000 0120-0022-0000

CAMA Number: Property Address: 2 LEONARD ST

Parcel Number: **CAMA Number:** 0120-0315-0000 0120-0315-0000

Property Address: 24 SIGNAL ST

Parcel Number: **CAMA Number:** 0120-0316-0000 0120-0316-0000

Property Address: 0 SIGNAL ST

Mailing Address: SALVATION ARMY THE

10 OLDE FARM LN

ROCHESTER, NH 03867-2310

Mailing Address:

LABBE DEVELOPMENT INC

4 ALBERT ST

SOMERSWORTH, NH 03878

Mailing Address:

RIGZ ENTERPRISES LLC 167 LAFAYETTE RD

SEABROOK, NH 03874-4511

Mailing Address: THIBAUDEAU DANIEL & LOUISE R

REVOC LIVING TRUST %

31 HANCOCK ST

ROCHESTER, NH 03867-3528

2 LEONARD STREET LLC & MOSER Mailing Address:

DOLUNAY 12 PLEASANT ST APT 1 **SAUGUS, MA 01906**

LAM JW BROTHERS LLC Mailing Address:

24 SIGNAL ST

ROCHESTER, NH 03867-2733

Mailing Address:

LAM JW BROTHERS LLC

24 SIGNAL ST

ROCHESTER, NH 03867-2733

7016 2710 0000 9112 3729

7016 2710 0000 9112 3736

7016 2710 0000 9112 3743

207P 5270 0000 4775 3275 7016 2710 0000 9112 3750

207P 5370 0000 4775 3453



THE SALVATION ARMY 36 AUTHU STREET POCHESTER, U.H. 03867

THE SALVATION ARMY

120/316

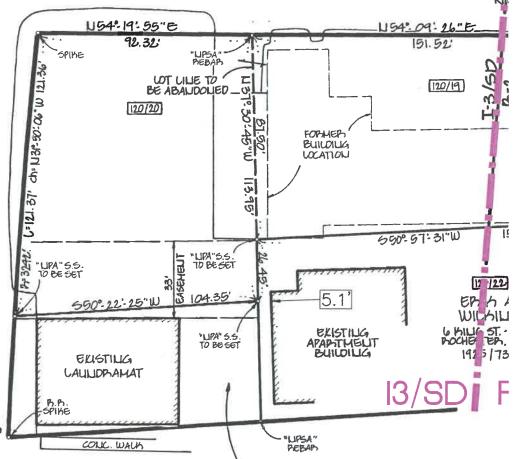
CITY OF ROCHESTER
31 WAREFIELD STREET
ROCHESTER, U.H. 03867

120/315

LAM BROTHERS
PARTILERSHIP
24 SIGNAL STREET
ROCHESTER, WH.

EUE LID HAL

AUTUMU STREET EXT.



LEONARD

STREET

COLIC WALK

MADILYLI ALILI WATSOLI H SALDERSOLI ROAD GREELLALIO, LI.H. 03840 1235/473 (TRACT II.)

120/21

PHEFERELICE PLALI:

"PLALI OF LALID-ILI-HOCHESTER, L.H.-FOR-HOBERT !
MAPILYLI WATSOLI" DATED SEPTEMBER 1986 BY
LIORWAY PLAILIS SURVEY ASSOCIATES, ILIC.-PLAIL LIO.
A-1007-1. RECORDED S.C.B.D. AS PLAIL LIO. 28A-81.



SIGNAL STREET

APPROVED FOR RECORD:

BOCHESTER PLAULING BOARD

