



# City of Rochester, New Hampshire

Department of Building, Zoning and Licensing Services

33 Wakefield Street \* Rochester, NH 03867

Phone: (603) 332-3508 \* Fax: (603) 330-0023

Website: [www.rochesternh.net](http://www.rochesternh.net)

## Appeal of Administrative Decision Application

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2018-08

DATE FILED 10/10/18

Julia Libby  
ZONING BOARD CLERK

Applicant: Corey MacKoul Gary MacKoul

E-mail: Corey.Mackoul@gmail.com Phone: 603-630-4113

Applicant Address: 147 Wakefield Street Rochester NH

Property Owner: Corey and Gary MacKoul

Property Owner Address: 147 Wakefield Street Rochester NH

Appeal Address: 147 Wakefield Street Rochester NH

Map Lot and Block No: Map 113 Block 55

Description of Property (give length of lot lines): 100' front and rear 345' sides

Proposed use or existing use affected: Home Occupation (insurance office) operating  
plus want to permit

The undersigned alleges that an error has been made in the decision, determination, or requirement of: -

Joe Devine on 9/20/18 to for illegal home occupation  
Name of enforcement officer date decision

in relation to Article 42-24 Section A of the R2 ordinance and hereby

appeals said decision.

Signed: [Signature] Date: 10/10/18



# City of Rochester, New Hampshire

## Department of Building, Zoning & Licensing Services

### NOTICE OF VIOLATION

**DATE:** September 20, 2018  
**TO:** Corey MacKoul  
147 Wakefield St  
Rochester, NH 03867

**RE:** City Ordinance and Property Maintenance Violations

You are hereby notified that a condition, which is in violation of the City of Rochester's City Ordinances and/or NH State Statutes listed below, has been found existent on the premises located

**AT:** 147 Wakefield Street, 0113-0055-0000 in the Residential 1 Zone

**IN THE FORM OF:** You are in violation of the following:  
1. Chapter 42.24 – Home Occupations  
a. Section a – Requirements for All Home Occupations  
i. Subsection 3 – Character

**COMPLAINT SPECIFICS:** 1. Illegal home occupation, commercial use has dwarfed the residential use of the property.

**YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING CODES:** **3.Character.** Home occupations must be subordinate to the residential use and must have little or no impact upon the neighborhood. There must be minimal indication of the home occupation evident from the road or from neighboring properties.

**CORRECTIVE ACTION REQUIRED:** 1. You must make it so that the property has a residential use, or stop the home occupation.


**COMPLY NO LATER THAN:** Within 24 hours, but no later than October 10, 2018

PER ORDER OF ROCHESTER CODE OFFICE.

Penalty: Any person who shall violate a provision of this code shall be subject to a civil penalty not to exceed \$1000 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue pursuant to RSA 676:17. We also reserve the right to issue a citation pursuant to RSA 31:39-c and 31:39d or use any legal remedies provided by the State of New Hampshire and the City of Rochester. Appeals shall be made to the Zoning Board of Adjustments (ZBA) in the form of an APPEAL FROM AN ADMINISTRATIVE DECISION within 20 days of the date of this notice.

It is the responsibility of the property owner to notify the City of Rochester Code Enforcement Officer upon completion of work. If said violation is not corrected by the above date, this citation will be submitted to the Rochester District Court for Civil Prosecution (a court citation will be issued). It is the responsibility of the property owner to obtain all necessary building and Historic District Commission permits.

SIGNED

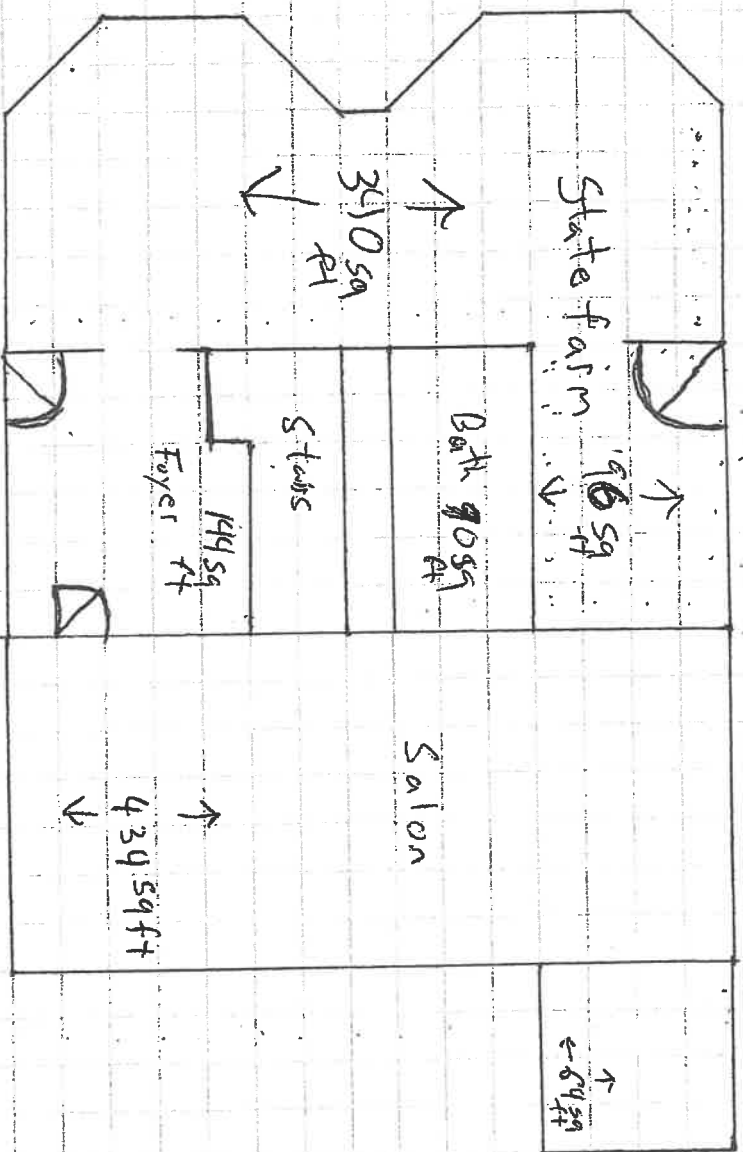


Joseph Devine, Code Compliance Officer

DATE: 9/20/18

The applicant currently lives on the second floor and operates an insurance office in the front half of the first floor pursuant to a permit for a Home Occupation. The back half of the first floor is not occupied and is used for storage.

The applicant lives in the property and uses it as his residence. The Home Occupation has not expanded and the applicant has and continues to operate within the bounds of his Site Plan approval.



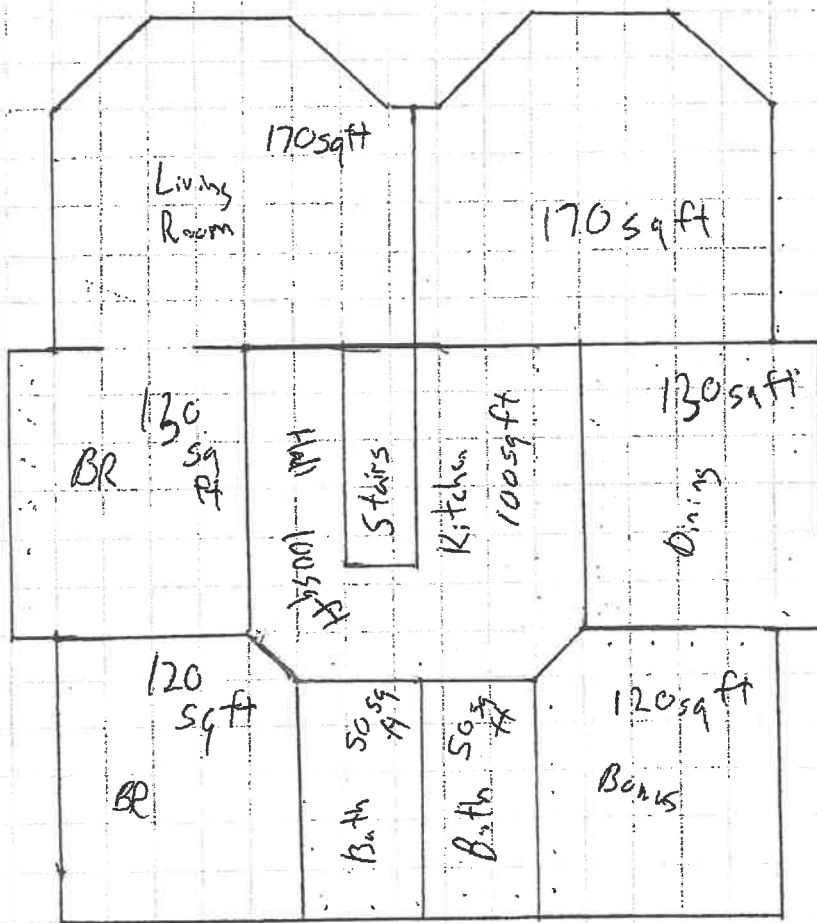
Approximate Measurements

Salon - 498 sq ft

State farm - 436 sq ft

Upstairs - 144 sq ft

Entrance  
Bath - 90 sq ft



Upstairs Approximate  
Measurements  
1,140 sq ft

## Appeal of Administrative Decision Application Checklist

- ☒ A copy of the Administrative Decision must be attached.
- ☒ Complete the application form.
- ☒ A narrative explaining why you feel the Administrative Decision was in error.
- ☒ 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.
- ☒ Attach sketched, site plans, photographs, construction plans, or any other materials that may help explain the proposal. Include copies of any prior applications concerning the property.
- ☐ Abutter's list. **This information must be obtained from the Zoning Clerk in the Building, Zoning, and Licensing Office. The applicant must pay the cost of the certified fee for each abutter, applicant and any other applicable person.** (See Zoning Clerk for current fee)
- ☐ Application fee of \$175.00. Check made payable to City of Rochester.
- ☐ One PDF form of your application packet is due as well as paper 10 paper copies.

**All of the above information must be completed and submitted to the Building, Zoning 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 postponement of the hearing in their application, and shall notify the Building, Zoning, and Licensing office in writing of their intent to postpone hearing at least two days prior to the meeting at which their application is to be considered. If the applicant requests a second 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 contact the Zoning Clerk, Julia Libby.

Phone: (603)332-3976

E-mail: [julia.libby@rochesternh.net](mailto:julia.libby@rochesternh.net)