



City of Rochester, New Hampshire

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

Variance Application

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2018-09

DATE FILED 10/10/18

Julia Libbey
ZONING BOARD CLERK

Applicant: Corey and Gary MacKoul

E-mail: Corey.MacKoul@gmail.com Phone: 603-830-4113

Applicant Address: 147 Wakefield Street Rochester NH

Property Owner: Corey and Gary MacKoul

Property Owner Address: 147 Wakefield Street Rochester NH

Variance Address: 147 Wakefield Street Rochester NH

Map Lot and Block No: Map 113, Block 55

Description of Property: 100' front and rear 365' sides

Proposed use or existing use affected: Mixed use Dwelling

The undersigned hereby requests a variance to the terms of Article 42.18, Section in use Regulations, Table 17-A and asks that said terms be waived to permit a mixed use Dwelling, to include One Dwelling

Unit, one professional Office, and one personal Service Establishment.

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: [Signature] Date: 10/10/18

See Attached

Variance Criteria

1) Granting the variance would not be contrary to the public interest because:

2) If the variance were granted, the spirit of the ordinance would be observed because:

3) Granting the variance would do substantial justice because:

4.) If the variance were granted, the values of the surrounding properties would not be diminished because:

5.) Unnecessary Hardship:

a. Owing to special ***conditions of the property that distinguish it from other properties in the area***, denial of the variance would result in an unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

And:

ii. The proposed use is a reasonable one because:

b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

The subject property is located in the R-2 Zone. Spaulding High School is directly across Wakefield Street from the property. To the rear of the property lies the Industrial Zone and several industrial or manufacturing uses, including a manufacturing building located at 1 Colgate Way. Approximately 500 feet to the north of the property is the Highway Commercial Zone which is the home to McDonald's, Wendy's, Rite Aid, a car wash, and several strip malls, all of which are visible from the subject property.

The applicant proposes to use the property as the location for an insurance agency and hair salon on the first floor, and a residence on the second floor. The applicant requires a variance to permit these uses to occur on the property. The variance would create a Mixed Use Dwelling which is not permitted in the R-2 Zone.

1. The proposed use would not diminish surrounding property values because:
 - The proposed use is low impact with no change in the façade or footprint of the structure, minimal increased vehicular traffic, and continuing residential use.
 - The subject property and surrounding properties are sited directly across from Spaulding High School and are within sight of multiple large commercial establishments including McDonald's, Wendy's, a car wash, and several strip malls; these commercial establishments already have an impact on surrounding property values and a low impact mixed use would be of little significance in valuing surrounding properties.
 - The neighborhood is already a mix of residential, multi-family, commercial and industrial uses with a 9-unit apartment building at 19 Glenwood Avenue, a commercial building housing a car loan business at 101 Wakefield Street, and a manufacturing building located along the rear lot lines at 1 Colgate Way; the proposed use would have little or no impact on property values because it is not a significant departure from other uses already existing in the neighborhood.
2. Granting the variance is not contrary to the public interest because:
 - The proposed use does not alter the essential character of the neighborhood; the neighborhood is a mix of Zoning Districts that includes residential, multi-family, commercial and industrial uses.
 - The proposed use does not threaten the health, safety or general welfare of the public; the applicant proposes to use the property as the location for an insurance office (a Professional Office as defined in the Ordinance), a hair salon (a Personal Services Establishment as defined in the Ordinance), and an apartment. Both a Professional Office and a Personal Services Establishment are permitted Home

Occupations within the Ordinance, the implication being that these uses are of such a character that they do not threaten the health, safety or general welfare of the public.

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

- The property was vacant for several years before the applicant purchased it in 2015.
- The property heating systems were severely outdated and the applicant has invested substantial sums to bring these systems up to code. Many other cosmetic updates have been done to improve appearance and safety.
- The subject property is located in a high traffic corridor. The applicant's informal count indicates that, on any given weekday, an average of 1300 vehicles pass the property each hour. This count rises during school start and release times.
- The parking areas in the sideline of Wakefield Street in front of the subject property are frequently crowded with people dropping off or waiting to pick up students. The neighborhood experiences a very high level of thru traffic as well as transient parking for school drop off and pick up and is not the most suitable location for residential uses.
- The building on the subject property is very large, with 2,648 square feet of finished space. Given the size of the building, the fact that it was vacant for several years, the expense required to upgrade the electrical, plumbing and heating systems, and the traffic and congestion, resale value of the property is not likely to increase substantially and there is no financial benefit to the applicant in maintaining the property as a single-family home.
- 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. During the permitting process for the Home Occupation, the applicant put the City on notice of his intention to expand the business uses of the property and these intentions are noted in the applicant's Site Plan approval.
- The rear half of the first floor is currently vacant and is not being used for any purpose. It is not part of the second-floor residence and it is not part of the permitted Home Occupation space. This space was historically used by the prior applicant as a hair salon and this portion of the first floor has not been used or maintained for residential purposes for well over 50 years.
- The applicant would have to invest substantial additional funds to renovate the rear half of the first floor to create residential living space.
- In addition, the rear half of the first floor does not contain sufficient square footage to create reasonable residential living space. It would be a burden and

financial hardship for the applicant to reduce the size of his insurance office in order to free up square footage to add to the rear half of the first floor to create reasonable residential living space.

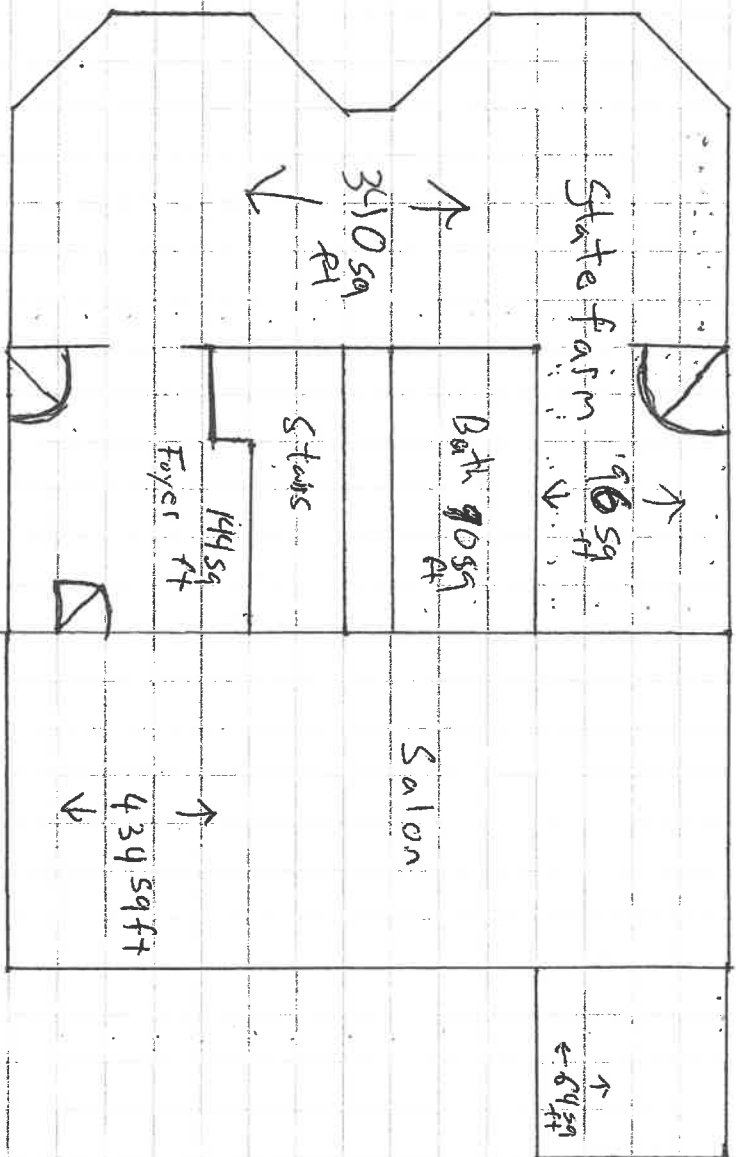
- The proposed use (continuing the insurance office in the front half of the first floor and re-opening a hair salon in the rear half of the first floor) is reasonable given the lack of available square footage on the first floor to create additional residential living space and the historic use of this part of the first floor as a hair salon.

4. Granting the variance would do substantial justice because:

- The applicant will have the ability to maximize the use of his building and property in a manner that is consistent with the characteristics of the multiple Zoning Districts that impact the neighborhood.
- The variance will permit the operation of low impact professional service businesses which will foster economic development and provide employment opportunities.
- The property, which has been vacant, will be revitalized and the historic nature of the structure will be maintained.

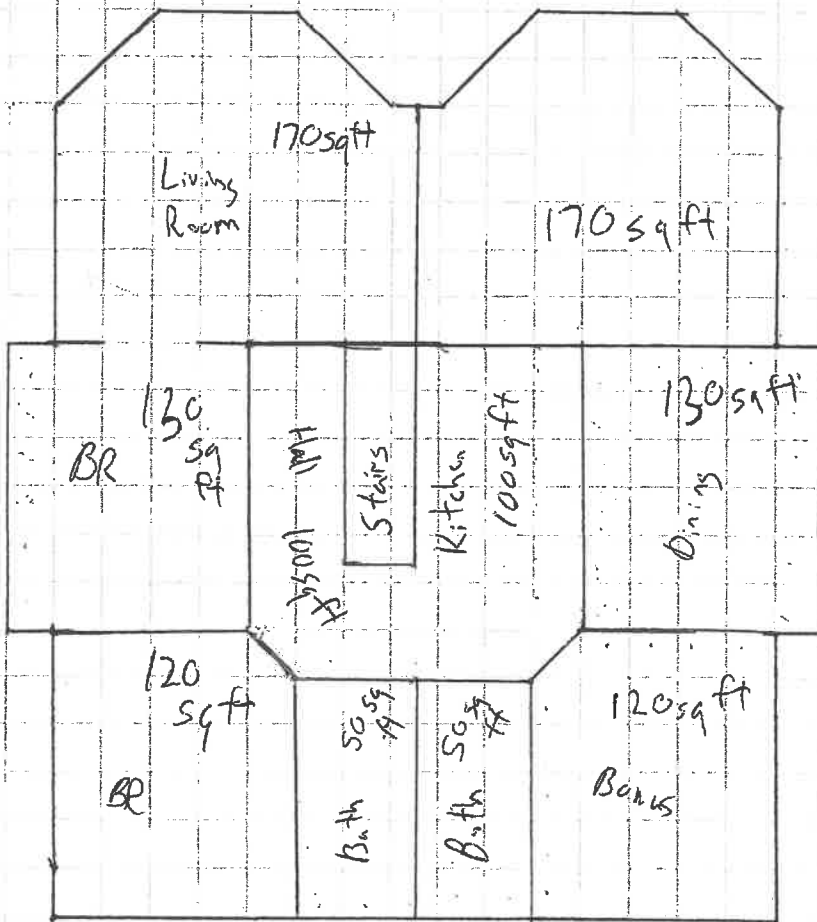
5. The use is not contrary to the spirit of the Ordinance because:

- The variance will permit the operation of low impact professional service businesses which will foster economic development and provide employment opportunities.
- The property, which has been vacant, will be revitalized and the historic nature of the structure will be maintained.
- The subject property is in a neighborhood of multiple Zoning Districts, with residential, multi-family, commercial and industrial uses all co-existing and the proposed use will not change the character of the neighborhood or impact the health, safety or welfare of the public.



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

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	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 & 42.33
Dwelling, Apartments (Ap/ 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	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



147 Wakefield St

Rochester, NH



October 18, 2018

1 inch = 160 Feet

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Abutters List Report

Rochester, NH
October 18, 2018

Subject Property:

Parcel Number: 0113-0055-0000
CAMA Number: 0113-0055-0000
Property Address: 147 WAKEFIELD ST

Mailing Address: MACKOUL COREY & MACKOUL GARY
147 WAKEFIELD ST
ROCHESTER, NH 03867-1303

Abutters:

Parcel Number: 0113-0054-0000
CAMA Number: 0113-0054-0000
Property Address: 149 WAKEFIELD ST

Mailing Address: SARSON DAVID A
149 WAKEFIELD ST
ROCHESTER, NH 03867-1303

Parcel Number: 0113-0055-0000
CAMA Number: 0113-0055-0000
Property Address: 147 WAKEFIELD ST

Mailing Address: MACKOUL COREY & MACKOUL GARY
147 WAKEFIELD ST
ROCHESTER, NH 03867-1303

Parcel Number: 0113-0056-0000
CAMA Number: 0113-0056-0000
Property Address: 145 WAKEFIELD ST

Mailing Address: PATTERSON SCOTT & JENNIFER
145 WAKEFIELD ST APT 1
ROCHESTER, NH 03867-1318

Parcel Number: 0117-0002-0001
CAMA Number: 0117-0002-0001
Property Address: 73 ALLEN ST

Mailing Address: DESCO INDUSTRIES INC
1 COLGATE WAY
CANTON, MA 02021-1558



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10/18/2018

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Variance Application Checklist

- ☒ Completed application form
- ☒ Completed "Criteria for a Variance" sheet, addressing the five items set forth by the New Hampshire Supreme Court governing the granting of Variances.
- ☒ A narrative touching on the five criteria and explaining what you are requesting a variance 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 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)
- ☒ Photographs, if you have them.
- ☒ Abutters 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 on the abutter list, including applicant.** (See Zoning Clerk for current fee)
- ☒ If there are wetlands on the parcel, refer to the City's Ordinance Chapter 42.12 © for wetland buffers of 50' and 75'.
- ☒ Prior to applying for a variance regarding wetlands, the applicant must receive all necessary State permits.
- ☒ Application fee (\$175.00). Check is made payable to City of Rochester, including abutters' fees.
- ☒ One PDF form of your application packet is due as well as 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