

117-2-11 (TZ-17-3)



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 VARIANCE

TO: **BOARD OF ADJUSTMENT
CITY OF ROCHESTER**

DO NOT WRITE IN THIS SPACE

CASE NO. 2017-02

DATE FILED 5/23/17

Karen H. Spencer
ZONING BOARD CLERK

Phone No 603-558-2249

Name of applicant Edward W. DuClos

Address 181a Washington St., Dover, NH, 03820

Owner of property concerned Lisa Stanley

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

Address 113 Sampson Rd., Rochester NH, 03867

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

Location 54 Allen St., Rochester, NH, Suite 2

Map No. 117

Lot No. 2-11

Zone Industry (G1)

Description of property Warehouse

Proposed use or existing use affected Build an indoor skateboard / bicycle facility with allocated space for retail sales.

The undersigned hereby requests a variance to the terms of Article 42,
Section Table 18C and asked that said terms be waived to permit The construction of an indoor skateboard / bicycle park utilizing the existing structures.

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 Edward W. DuClos

(Applicant)

EMAIL: educlos@redalbertskateshop.com

educlos@redalbertskateshop.com

CRITERIA FOR VARIANCE

Case # 2017-62

Date: 5/30/17

A Variance is requested by Edward Decker, Red Alert Skateshop

from Section _____ Subsection _____

of the Zoning Ordinance to permit: Creation of indoor skateboard / bicycle park within the existing facility at 54 Allen St.

at 54 Allen St. Map 117 Lot 2-11 Zone Industry (6)

Facts supporting this request:

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

We will not be diminishing the surrounding property values as our purposes are of lighter use than most industrial uses, thus will not damage the property nor add undue noise / traffic / pollution etc. Moreover there is a better support

2) Granting the variance is not contrary to the public interest because: We will be creating a facility that would allow the community to participate in recreational activities in a safe and monitored environment.

3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property: We require a location that is within

a certain proximity of the town/schools for bus travel, it must be 5000 sq. ft. in space that is unobstructed (poles, pillars, etc) with ceiling height 16 ft. and with a partitioned space for retail. There is no other spot such as this in the tri-city area.

4.) Granting the variance would do substantial justice because: It will provide a safe and enjoyable location for all ages to skateboard and bicycle. It will aid in local school programs for recreational and other programs for local children.

5.) The use is not contrary to the spirit of the ordinance because: We intend to create a facility that engages positively with community and surrounding areas

Name

Ed Decker

Date:

5/30/17



CRITERIA FOR VARIANCE

Case # 2017-02

Date: 5/23/17

A Variance is requested by Edward Dulos (manager, Red Alert skateboard)
from Section Chapter 42 Subsection Table 18.C
of the Zoning Ordinance to permit: The creation of an indoor skateboard /
bicycle park within the existing lot / facility
at 54 Allen St., Rochester, NH Map 117 Lot 2-11 Zone Industry

Facts supporting this request:

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

Our use of the facility will not diminish the surrounding property values because
as the zone is industrial, our use is lighter and will not damage property nor add undue
noise, traffic, pollution, etc. to the area.

2) Granting the variance is not contrary to the public interest because: We will be creating
a facility that will allow the community to participate in recreational
activity in a safe and monitored environment.

3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property: Red Alert requires a very unique

facility to operate, one that is even harder to find in the tri-city area, within our price
range, and timeframe. We require 5,000+ sq. ft. of unobstructed space, 18+ ft. ceilings and a location
close to town, but not too far out. 54 Allen meets all of these.

4.) Granting the variance would do substantial justice because: We will provide a safe
and enjoyable location for all ages to skateboard / bicycle. It will aid in the
local school programs for recreation and other programs with the schools.

5.) The use is not contrary to the spirit of the ordinance because: The current zone is
industrial, and our use is less intense than most, if not all, industrial uses and therefore
is within the 'spirit' of the relevant uses.

Name Edward W. Dulos

Date: 5/23/17

Rochester



Patriot Properties Inc.

PROPERTY LOCATION

No	Alt No	Direction/Street/City
54		ALLEN ST, ROCHESTER

OWNERSHIP

Owner 1:	LJR PROPERTIES LLC		
Owner 2:			
Owner 3:			
Street 1:	133 SAMPSON RD		
Street 2:			
Twn/City:	ROCHESTER		
St/Prov:	NH	Cntry:	Own Occ: N
Postal:	03867	Type:	

PREVIOUS OWNER

Owner 1: MT WALDO OPERATION INC -		
Owner 2: -		
Street 1: P O BOX 9111		
Twn/City: NEWTON UPP FALLS		
St/Prov: MA	Cntry:	
Postal: 02164-9111		

NARRATIVE DESCRIPTION

This Parcel contains 2.87 AC of land mainly classified as HARDWR-BLDG with a(n) INDUST-LT Building Built about 1935, Having Primarily VINYL Exterior and RIB/CORR MTL Roof Cover, with 2 Units, 0 Baths, 5 HalfBaths, 0 3/4 Baths, 0 Rooms Total, and 0 Bdrms.

OTHER ASSESSMENTS

Code	Descrp/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Descrp	%	Item	Code	Descrp
Z	IND	INDUSTRIA	100	U	2	CITY SEWER
o				t	9	CITY WATER
n				I	5	GAS
Census:				Exmpt		
Flood Haz:						
D	RO	ROCHESTER		Topo	1	LEVEL
s				Street	1	PAVED
t				Traffic	2	LIGHT

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
321	HARDWR-BLI		2		PRIMARY A/SITE		1.0	0	70,000	1,000	4006									140,000						140,000	
321	HARDWR-BLI		0.87		EXCESS AC/EXCESS		1.0	0	10,000	1,000	4006									8,700						8,700	

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value	Legal Description	User Acct
321	435,300	13,400	2.870	148,700	597,400		27138
							GIS Ref
							GIS Ref
							Insp Date
Total Card	435,300	13,400	2.870	148,700	597,400	Entered Lot Size	
Total Parcel	435,300	13,400	2.870	148,700	597,400	Total Land: 2.87	
Source: Market Adj Cost	Total Value per SQ unit /Card: 22.65		/Parcel: 22.65		Land Unit Type: AC		

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2016	321	FV	435,300	13,400	2.87	148,700	597,400	597,400	Year End Roll	9/8/2016
2015	321	FV	435,300	13,400	2.87	148,700	597,400	597,400	Year-end	10/1/2015
2014	321	FV	435,300	13,400	2.87	148,700	597,400	597,400	Year End Roll	9/29/2014
2013	321	FV	347,700	13,500	2.87	148,700	509,900	509,900	Year End Roll	9/4/2013
2012	321	FV	347,700	13,500	2.87	148,700	509,900	509,900	Year End Roll	9/20/2012
2011	321	FV	347,700	13,500	2.87	148,700	509,900	509,900	Year End Roll	9/27/2011
2010	321	FV	348,700	15,600	2.87	148,700	513,000	513,000	roll	8/26/2010
2009	321	FV	348,700	15,600	2.87	168,700	533,000	533,000	Year End Roll	9/24/2009

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes
MT WALDO OPERAT	2173-422		1/31/2000	ChgAfterSale	225,000	No	No	4		
	2173-422		1/31/2000			No	No			
GERRITY CO INC	956-257		12/3/1974			No	No			
N E ASSOCIATES	928-190		7/29/1973			No	No			
CHAMPLIN WILLIA	866-255		12/15/1969			No	No			

BUILDING PERMITS

Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F. Descrp	Comment
12/4/2012	4008	BOILER	7,000	C	3/15/2013			
6/15/2007	07-731	SIGN	100	CE	1/8/2008			SUITE 2
3/29/2005	286	ELECTRIC	2,500	C	1/30/2006			
7/16/2002	783	ELECTRIC	6,500	C	3/10/2003			
5/25/2001	399		9,850	C				SIDING
5/15/2001	318		4,000	C				FENCE
2/4/2000	51		19,000	C				REMODEL
1/21/2000	41		2,500	C				DEMO BLDGS
7/1/1998	659		25,000	C				DEMO BLDGS
7/1/1998	659		25,000					DEMO BLDGS

ACTIVITY INFORMATION

Date	Result	By	Name
1/8/2008	INTERVIEW	TM	TOM
1/19/2005	ZONE CHANGE	TM	TOM
2/27/2004	OWN ADD CHG	VW	VIRGINIA
1/15/2002	NO INSP	GN	GAYE
10/12/2001	NO INSP	TM	TOM
5/15/2000	MEAS-HNSPCTD	TG	THERESA

Sign: VERIFICATION OF VISIT NOT DATA

SKETCH

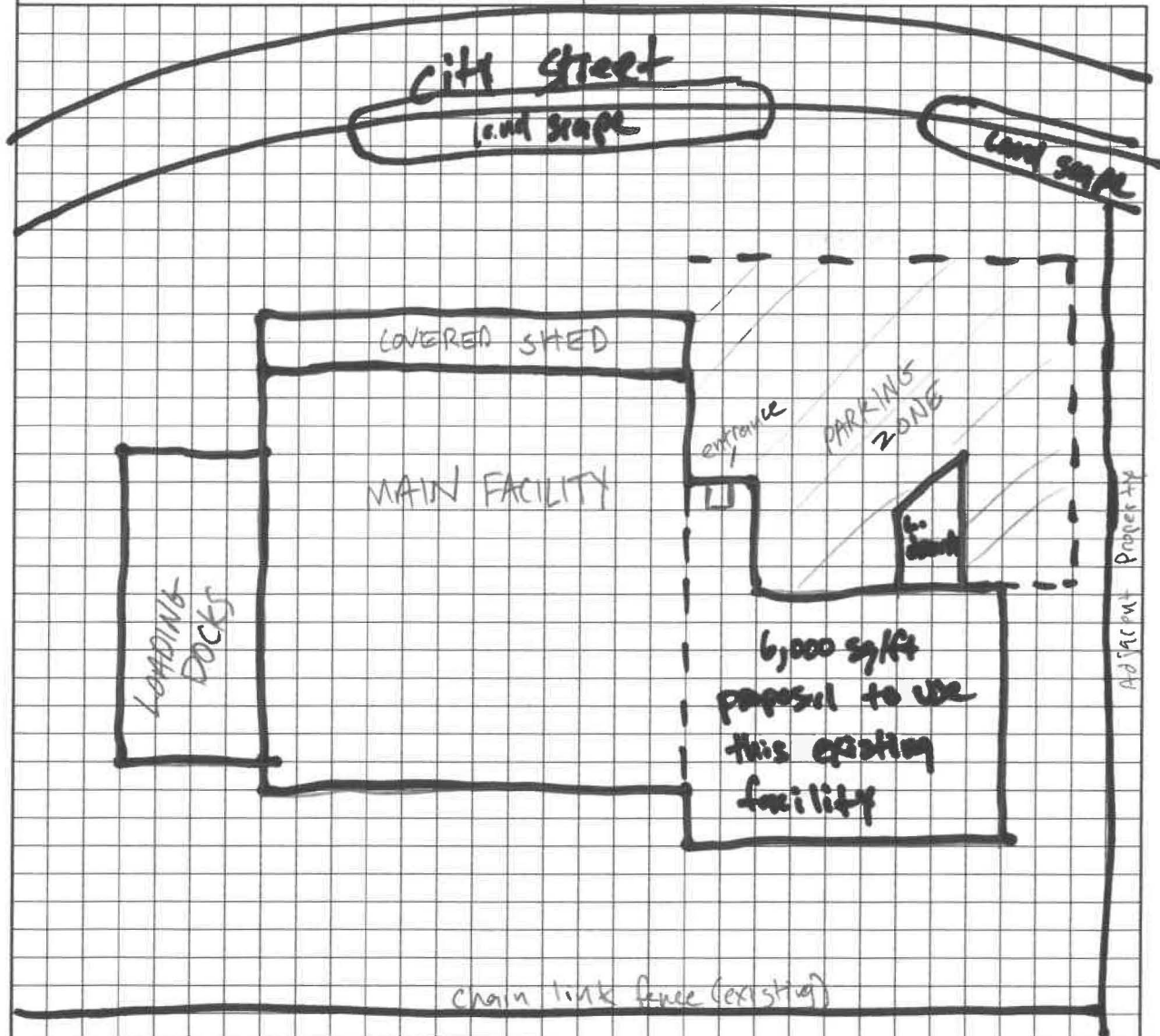
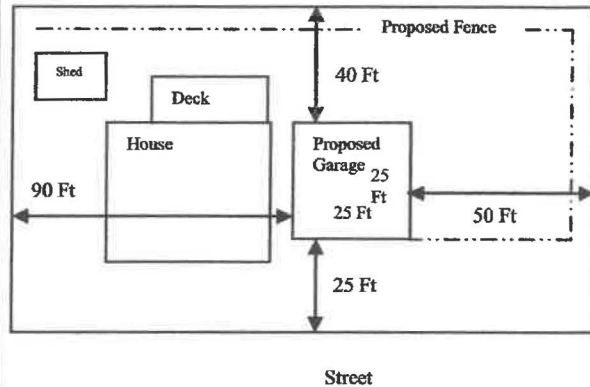
A black and white photograph of a large, dark, gabled barn or warehouse building situated in a flat, open field. The sky is overcast and cloudy. The building has a simple, functional design with a prominent roofline.

Sketch Plan

Instructions:

- 1) Show the Property lines and road(s).
- 2) Show the proposed Structure and all existing structures.
- 3) Show the Measurements from the proposed structure to all lot lines, measure straight through existing structures if needed.
- 4) Include the dimensions of the proposed structure.
- 5) If installing a fence – show the location.

Sample Plan:



Signature

Date



THESE AREAS WILL BE
LANDSCAPED WITHIN 10
MONTHS OF COMPLETION
OF ROADWAY CONSTRUCTION

PROPOSED CITY STREET

TO AUEL STREET

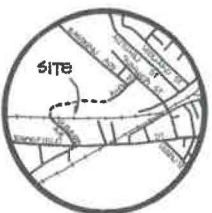
TOTAL PARCEL AREA:
129,084 SQ. FT.
2.87 ACRES

OWNER OF RECORD:
MT. WALDO OPERATIONS, LLC
P.O. BOX 1100
NEWTON UPPER FALLS, MA 02464

EXISTING BUILDING
23,000 SQ. FT.

GRAVEL BARRICADE
AREA - existing
parking for
proposed space

6,000 SQ. FT.



LOCATION MAP

ROCHESTER PLANNING BOARD

NORWAY PLAINS ASSOCIATES, INC.

SITE PLAN
ALLEN STREET EXTENSION;
GLENWOOD AVENUE
ROCHESTER, N. H.

FOR WITWAY SUPPLY INC.
SCALE: 1" = 20'
APRIL 1998



NOTES:
1. THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE CITY OF ROCHESTER, N.H. AS APPROVED BY THE ROCHESTER PLANNING BOARD.
2. THE SITE PLAN IS SUBJECT TO THE CITY OF ROCHESTER, N.H. AS APPROVED BY THE ROCHESTER PLANNING BOARD.
3. THE SITE PLAN IS SUBJECT TO THE CITY OF ROCHESTER, N.H. AS APPROVED BY THE ROCHESTER PLANNING BOARD.
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FILE NO. 210
PLAN NO. C-1797



LJR Properties, LLC

133 Sampson Rd.
Rochester, NH 03867
(603) 332-5506

May 11, 2017

City of Rochester Planning Department
City of Rochester Zoning Board of Adjustment
City of Rochester Planning Board
31 Wakefield St.
Rochester, NH 03867

RE: Site Plan/Request for Variance/Red Alert Skateboard Facility

To Whom it May Concern,

Please be informed that LJR Properties, LLC is hoping to enter into a Lease Agreement with Brickwall Enterprise LLC d/b/a Red Alert Skateboard Facility at the property we own at 54 Allen Street in Rochester. Currently the property is zoned "Industry" and we understand that the proposed use by Red Alert as an indoor skateboarding facility is not allowed by right in the zone.

We fully endorse the application by Red Alert for a variance in order to gain permission from the City to open this facility at our location. We feel that the use is appropriate for the neighborhood and will not negatively impact the area. Quite to the contrary, given the proximity to Spaulding High School, we feel the location is ideal for the use. Furthermore, Red Alert's busiest hours of operation are expected to be directly converse to that of the majority of the remainder of the tenants on Allen Street so the impact of the use will be minimal.

Please feel free to contact me directly if you require additional information or physical access to the proposed site.

Sincerely,

Lisa Stanley
LJR Properties LLC
Member

Proposed Site changes

Narrative #1

New building/structure: _____

Addition onto existing building/structure: _____

Alterations to existing building: _____

Demolition: _____

Signage: _____

Site development (other structures, parking, utilities, etc.): _____

Change of use: ☒ _____

Proposed project description (use extra sheet if needed): We are proposing to move Red Mart indoor skateboarding facility from Dover to Rochester utilizing the property in the Allen St. Industrial complex in Rochester. Red Mart has been a staple in the Seacoast community for over 16 years and has been involved with after school programs for local schools and young fans of the sport alike. We would use the location on Allen Street to house our skateboard ramps (wood construction, no perish. fixtures) which we would charge a daily rate for people to skateboard/BMX. We would also partition a small portion of boardwalk space to be used to sell equipment and apparel/sing apparel and other common materials. Our previous works with the Rochester Youth and School systems to provide a safe and fun location for children and adults of all ages to be active and provide community involvement.

Brief description of previous use (if known): LIGHT MANUFACTURING

(ATHLETIC INNOVATIONS). 20,000+ SQ. FT. BALANCE OF BUILDING IS OCCUPIED BY WIT-WAY SUPPLY AND OPERATES AS WHOLESALE/RETAIL PLUMBING + HEATING SUPPLY.

* Continued from page one

Proposed Site changes

Narrative #2

New building/structure: _____ Addition onto existing building/structure: _____

Alterations to existing building: _____ Demolition: _____ Signage: _____

Site development (other structures, parking, utilities, etc.): _____ Change of use: ☒

Proposed project description (use extra sheet if needed): Understanding that we are requesting the city to allow us the use of an undesignated commercial zone for our use, we ask that strong consideration be used based on the hardships Red Alert will incur if 54 Allen St. is not permitted for our use as a business which has served the NH, ME, and MA Seacoast will be lost after 17 years of service. Our needs are unique and particular which has made finding a location very difficult. We require at least 5000 sq. ft. of undistructed warehouse space to place the ramps on a smooth concrete floor, with minimum ceiling heights of at least 16+ ft. It is also important that the location not be too far removed from town (for school programs) but also not in the center of town. 54 Allen St. provides the best of all the scenarios we require and as of now and the foreseeable future is the only location that has accepted our plans and meets the price range we need. Dover is losing a valuable destination location to which Rochester will gain.

Brief description of previous use (if known): _____

Submission of application

Submission of application

This application must be signed by the property owner, applicant/developer (if different from property owner).

I/we) hereby submit this Project Narrative application to the City of Rochester Planning Department and attest that to the best of my knowledge all of the information on this application form is true and accurate. As applicant/developer (if different from property owner)/as agent, I attest that I am duly authorized to act in this capacity.

Signature of applicant:

Edward A. G.

Date: 5/3/17

Signature of property owner:

John M. Stanley
MEMBER

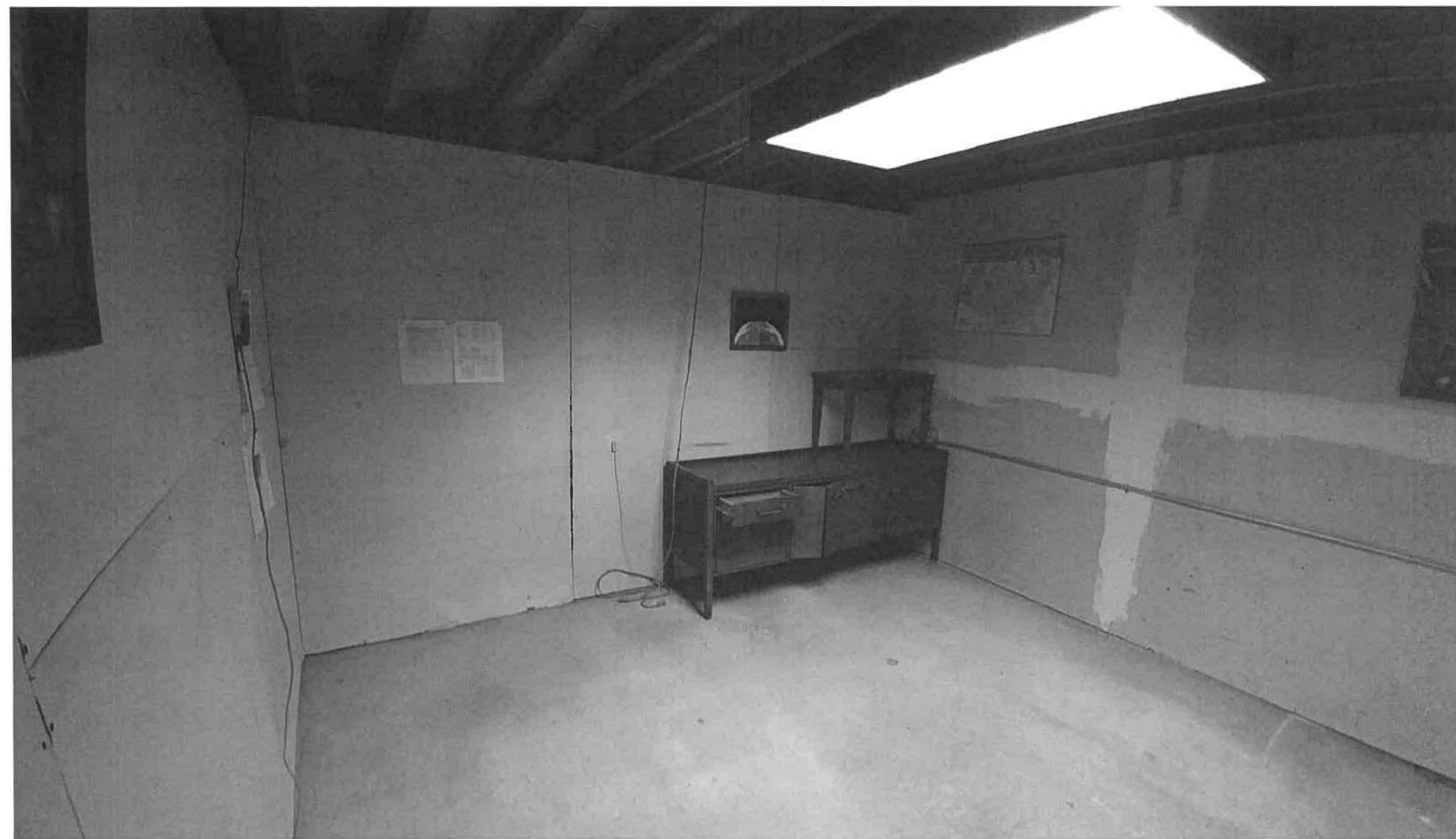
Date: 5/3/17



- abortion building



- View main



- office



— backyard



-back exit (outdoor)



-entryway



- additional view of main floor



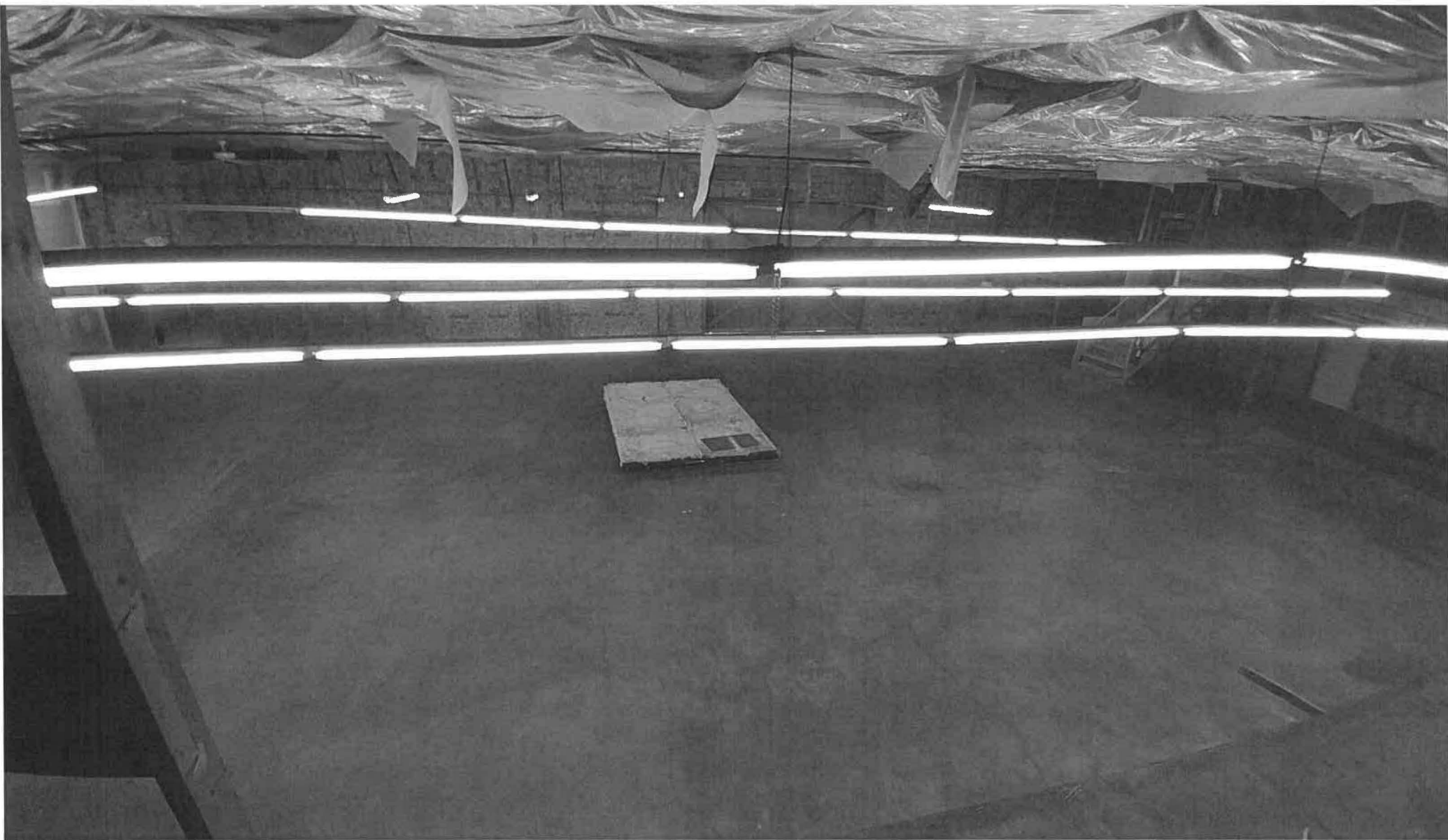
- bathroom



- back exit



—Stairs to mezzanine



- floor view for recreation



- additional mezzanine



- entrance



- view of store location (retail) & office



- mezzanine view



- proposed parking loc.



—entrance and additional parking view

TABLE 18-C FOOD-LODGING-PUBLIC RECREATION USES 8/7/2014

FOOD-LODGING-PUBLIC RECREATION USES	Residential Districts				Commercial Districts				Industrial Districts		Special		Criteria/Conditions
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	IJ	HS	AS	Section Reference
Café	-	-	P	C	P	P	P	P	-	-	-	P	Section 42.21
Campground	-	-	-	E	-	-	-	-	-	E	-	-	Section 42.22
Caterer	-	-	P	-	P	P	-	P	P	P	-	-	
Club	-	-	C	-	P	P	-	P	-	-	-	-	Section 42.21
Community Center	-	-	P	-	P	P	P	P	-	-	-	-	
Conference Center	-	-	C	-	P	P	P	P	-	-	P	P	Section 42.21
Country Club	-	-	-	C	-	-	P	E	-	C	-	-	Section 42.21
Foodstand	-	-	E	-	E	E	P	E	E	E	E	E	Section 42.22
Function hall	-	-	-	-	P	P	P	P	-	-	-	-	
Golf Course	-	-	-	P	-	-	P	-	-	P	-	-	Section 42.22
Health Club	-	-	C	C	P	P	P	P	-	-	-	-	Section 42.21
Lodging, Bed and Breakfast	-	C	P	-	P	P	-	P	-	-	-	-	Section 42.21
Lodging, Hotel	-	-	C	-	P	C	P	P	-	-	C	C	Section 42.21
Lodging, Motel	-	-	-	-	-	-	P	P	-	-	-	C	Sections 42.20 & 42.21
Nightclub	-	-	-	-	E	-	P	P	-	-	-	-	
Recreation, Indoor	-	-	C	-	C	C	P	P	-	C	-	-	Section 42.21
Recreation, Outdoor	-	-	-	C	-	C	P	P	-	C	-	-	Section 42.21
Recreation, Park	P	P	P	P	P	P	-	P	-	C	-	-	Section 42.21
Restaurant	-	-	P	-	P	C	P	P	-	-	-	P	Section 42.21
Restaurant, Drive-through	-	-	-	-	P	-	P	P	-	-	-	-	
Tavern	-	-	C	-	P	-	P	P	-	-	-	P	Section 42.21
Theater/Cinema (5,000 s.f. or less)	-	-	P	-	P	P	P	P	-	-	-	-	Section 42.21
Theater/Cinema (over 5,000 s.f.)	-	-	-	-	C	-	P	P	-	-	-	-	Section 42.21

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

Variance Application Checklist


- ☒ Complete the application form.
- ☒ **You must complete the "Criteria for a Variance" sheet, addressing the 5 items set forth by the NH Supreme Court governing the granting of Variances.**
- ☒ A narrative explaining what you are requesting the 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 (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, if you have them.
- ☒ Abutter's list. **This information must be obtained from the Zoning Clerk 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 (at this time the fee is \$_____ each)(See Zoning Secretary for Current Fee)
- ☒ If there are wetlands on the parcel, refer to the City's Ordinance Chapter 42.12 (c) 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 (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.

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 (1) postponement of the hearing on their application**, and shall notify the Building & Zoning 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 Karen Grenier 603-332-3976 or e-mail at karen.grenier@rochesternh.net

 5/23/17
Applicant Signature & Date

EMAIL: edcloos@redalbertskateshop.com

ROCHESTER ZONING BOARD OF ADJUSTMENT
VARIANCE & SPECIAL EXCEPTION CRITERIA

2. **Variances.** The board may authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if it determines that all of the following conditions are met:
- A. The variance will not be contrary to the public interest;
 - B. The spirit of the ordinance is observed;
 - C. Substantial justice is done;
 - D. The values of surrounding properties are not diminished; and
 - E. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
- i. For purposes of this condition, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (a) 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; and
 - (b) The proposed use is a reasonable one.
 - ii. If the criteria in subparagraph i, above, are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Notwithstanding Section 2., above, the board may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

- A. Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.
 - B. In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.
3. **Special Exceptions.** The board grants special exceptions for particular uses and activities as listed in the Tables of Uses in Section 18-Use Regulations and as articulated in Section 22-Special Exceptions.
- The board shall grant a special exception only if it reasonably determines that *all of the following base criteria are met* (in addition to those criteria and conditions included for specific uses in Section 22):
- A. **Location.** The specific site is an appropriate location for the proposed use or structure;
 - B. **Neighborhood.** The proposed use would not be detrimental, injurious, obnoxious, or offensive to the neighborhood;
 - C. **Traffic.** The proposed use would not create an undue hazard or nuisance to vehicular or pedestrian traffic;
 - D. **Public Facilities.** Adequate and appropriate facilities and utilities would be provided to ensure the proper operation of the proposed use or structure; and,
 - E. **Master Plan.** The proposed use or structure is consistent with the spirit of this chapter and the intent of the Master Plan.

Requirements for Granting a Variance: A Suggested Approach

THE APPLICANT MUST ESTABLISH ALL OF THE FOLLOWING.

Requirement	Explanation
1. The variance is not contrary to the public interest.	The proposed use must not conflict with the explicit or implicit purpose of the ordinance, and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
2. The spirit of the ordinance is observed.	
3. Substantial justice is done.	The benefit to the applicant should not be outweighed by harm to the general public or to other individuals.
4. The values of surrounding properties are not diminished.	Expert testimony on this question is not conclusive, but cannot be ignored. The board may also consider other evidence of the effect on property values, including personal knowledge of the members themselves.
<p>5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means:</p> <p><i>Because of</i> special conditions of the property that distinguish it from other properties in the area:</p> <p>(a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property; <i>and</i></p> <p>(b) The proposed use is a reasonable one.</p> <p><i>Alternatively</i>, unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance.</p>	<p>The applicant must establish that the property is burdened by the zoning restriction in a manner that is distinct from other similarly situated property.</p> <p>(a) Determine the purpose of the zoning restriction in question. The applicant must establish that, because of the special conditions of the property, the restriction as applied to the property does not serve that purpose in a "fair and substantial" way.</p> <p>(b) The applicant must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood.</p> <p>As an alternative to (a) and (b) above, the applicant can satisfy the unnecessary hardship requirement by establishing that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.</p>



0 Abutters List Report

Rochester, NH
May 15, 2017

Ed DeCO
558-2249

Applicant

14x3.81
53.34
175.00
228.34

Subject Property:

Parcel Number: 0117-0002-0011
CAMA Number: 0117-0002-0011
Property Address: 54 ALLEN ST

Mailing Address: LJR PROPERTIES LLC
133 SAMPSON RD
ROCHESTER, NH 03867

Abutters:

Parcel Number: 0117-0001-0000
CAMA Number: 0117-0001-0000
Property Address: 20 GLENWOOD AVE

Mailing Address: GRANITE STATE INVESTMENTS LLC
862 FRANKLIN PIERCE HWY
BARRINGTON, NH 03825-7326

Parcel Number: 0117-0002-0000
CAMA Number: 0117-0002-0000
Property Address: 71 ALLEN ST

Mailing Address: MT WALDO OPERATIONS INC % PETER
F GERRITY
98 TUTTLE RD
CUMBERLAND, ME 04021-4107

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

Parcel Number: 0117-0002-0002
CAMA Number: 0117-0002-0002
Property Address: 67 ALLEN ST

Mailing Address: SOVEREIGNTY FAMILY INVESTMENTS
LLC
67 ALLEN ST
ROCHESTER, NH 03867

Parcel Number: 0117-0002-0003
CAMA Number: 0117-0002-0003
Property Address: 61 ALLEN ST

Mailing Address: A & E PROPERTIES LLC
61 ALLEN ST
ROCHESTER, NH 03867-1403

Parcel Number: 0117-0002-0004
CAMA Number: 0117-0002-0004
Property Address: 49 ALLEN ST

Mailing Address: BLOUGOURAS NICHOLAS C
P O BOX 855
ROCHESTER, NH 03866-0855

Parcel Number: 0117-0002-0005
CAMA Number: 0117-0002-0005
Property Address: 45 ALLEN ST

Mailing Address: KID PROPERTIES LLC
P O BOX 720
ROCHESTER, NH 03866-0720

Parcel Number: 0117-0002-0007
CAMA Number: 0117-0002-0007
Property Address: 55 ALLEN ST

Mailing Address: VETTER NORMAN P REVOC TRUST &
VETTER STACIA R REVOC TRUST %
P O BOX 181
ROCHESTER, NH 03866-0181

Parcel Number: 0117-0002-0008
CAMA Number: 0117-0002-0008
Property Address: 53 ALLEN ST

Mailing Address: MT WALDO OPERATIONS INC % PETER
F GERRITY
98 TUTTLE RD
CUMBERLAND, ME 04021-4107

Parcel Number: 0117-0002-0010
CAMA Number: 0117-0002-0010
Property Address: 44 ALLEN ST

Mailing Address: 44 ALLEN STREET LLC
P O BOX 608
ROCHESTER, NH 03866-0608



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0 Abutters List Report

Rochester, NH

May 15, 2017

Parcel Number: 0117-0002-0013
CAMA Number: 0117-0002-0013
Property Address: 75 ALLEN ST

Mailing Address: YANKEE THERMAL IMAGING LLC
75 ALLEN ST
ROCHESTER, NH 03867-1403

Parcel Number: 0117-0003-0002
CAMA Number: 0117-0003-0002
Property Address: 19 GLENWOOD AVE

Mailing Address: NICKLESS ARTHUR H JR LP
77 OLDE FARM LN
ROCHESTER, NH 03867-2362

Parcel Number: 0117-0003-0003
CAMA Number: 0117-0003-0003
Property Address: 23 GLENWOOD AVE

Mailing Address: 17 GLENWOOD AVE LLC
P O BOX 1163
ROCHESTER, NH 03866-1163



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