



## City of Rochester, New Hampshire

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

### Special Exception Application

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER



DO NOT WRITE IN THIS SPACE	
CASE NO.	<u>2018-1.</u>
DATE FILED	<u>12/5/2017</u>
<u>Julia Juley</u> ZONING BOARD CLERK	

Applicant: Johanna K Garneau

E-mail: johanna.garneau@garneau-tax.com Phone: 603-969-7478

Applicant Address: 537 Silver St Rollinsford NH 03869

Property Owner: Johanna K. Garneau

Property Owner Address: 537 Silver St Rollinsford NH 03869

Variance Address: 24-26 Church St Gonic NH 03839

Map Lot and Block No: map 142 Lot 10

Description of Property (give length of lot lines): see Attach Norway Plains Assoc Inc.

Proposed use or existing use affected: Tax preparation & Bookkeeping Business

The undersigned hereby requests a special exception as provided in Article 42, Section 18-A of the

Zoning Ordinance to allow a Home Occupation-3 in an R2 zone.

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: Johanna Garneau Date: 12/5/17

42.22 Special Exception Sheet

(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 42.22, 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.
- (3) 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood. Yes ☐ No ☐  
Reasoning: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Yes ☐ No ☐ Reasoning: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (5) The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan. Yes ☐ No ☐ Reasoning: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

## 42.22 Special Exception Sheet

### Answer to question:

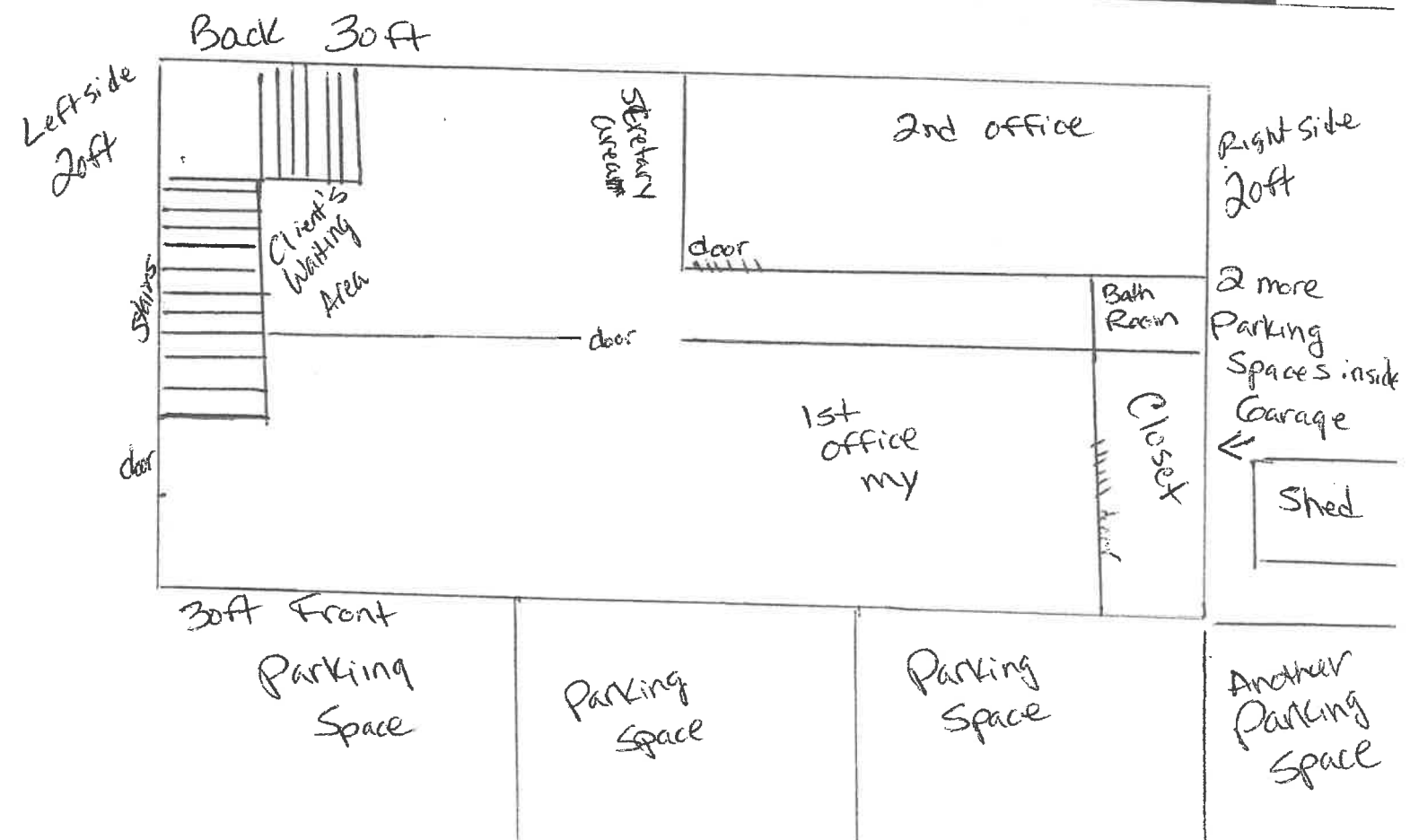
**(1) (Yes)** I run a tax preparation and a bookkeeping office. I been in business for 35 years. I am going to tare down the existing garage and put up a new garage up. It will be 30 feet by 20 feet structure. (Attach are the plans.)

**(2) (No)** It's is off the main road of Church Street. It's on the side road that leads to the Mill in which is all commercial property. If my property was located 5 more feet it would have been zone commercial. I am only busy from February 1<sup>st</sup> thru April 15<sup>th</sup> and it's by appointment only. The rest of the time it's very minimal client's coming. I am the one who works a lone most of the time. I do not have walk-ins. I am very professional and feel that I would bring good business to the area.

**(3) (No)** I plan on having 6 parking spaces and there are 3 more share parking spaces along side the property. Also there are public parking on Church Street (see attach plans.) I have only one employee that works all year. She does 40 hours a week for 10 weeks and 20 hours a week for 42 weeks. I have only one secretary doing tax season for 10 weeks, but she is also my tenant. I feel I will not be a nuisance to any other properties. There is only one property that is across the street in which it is a rental property too.

**(4) (Yes)** I will have all new and up to code facilities and have a bathroom in the new structure. I am tarring down the old garage and putting up a brand new one. In which I will need all permits for that.

**(5) (Yes)** (See attach plans) I plan on moving into 24 Church street if I get approval.







01R1

ARTHUR GOURGUE  
125 CARTLAND ROAD  
LEE, NH 03824  
(2663/779)

MAP 142 - LOT 10

#24 & #26 CHURCH STREET  
DUPLEX

APPROXIMATE  
PROPERTY  
LINE

Going to take down existing garage  
and rebuild. Will not require setbacks, doing  
the same 20ft back.

~~Orange~~  
Orange existing  
Garage  
Orange existing  
Parking  
Green 10.4 ft to  
Garage  
Blue more parking  
spaces

Total of 6  
Parking Spaces  
2 inside Garage  
4 Outside Garage  
3 more Share Garage  
Along side of  
Property

APPROXIMATE  
PROPERTY  
LINE

Proposed  
10.4 ft  
for garage  
10' 4"

EXIST. GARAGE  
(392 sf)  
2 parking  
spaces inside  
Garage

EXIST.  
SHED  
(82 sf)

Front  
196

10ft  
existing  
parking

10ft  
existing  
parking  
space

10ft  
Proposed  
another  
parking  
space

\* On  
this side  
is 3 more  
Share  
parking  
spaces

20' ROW

TABLE 18-A RESIDENTIAL USES 8/7/2014

RESIDENTIAL USES	Residential Districts			NMU	Commercial Districts			Industrial Districts		Special		Criteria/Conditions Section Reference
	R1	R2	AG		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 & 42.31
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
Portchop 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





## 24-26 Church Street



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0 Abutters List Report

Rochester, NH  
December 05, 2017

Subject Property:

Parcel Number: 0142-0010-0000  
CAMA Number: 0142-0010-0000  
Property Address: 24 CHURCH ST

Mailing Address: GARNEAU JOHANNA K  
537 SILVER ST  
ROLLINSFORD, NH 03869-5415

\$22.86

Abutters:

Parcel Number: 0142-0003-0000  
CAMA Number: 0142-0003-0000  
Property Address: 10 MAIN ST

Mailing Address: GOSPORT PROPERTIES LLC  
750 EXETER RD  
HAMPTON, NH 03842

Parcel Number: 0142-0009-0000  
CAMA Number: 0142-0009-0000  
Property Address: 20 CHURCH ST

Mailing Address: GOURGUE ARTHUR  
125 CARTLAND RD  
LEE, NH 03824

Parcel Number: 0142-0010-0000  
CAMA Number: 0142-0010-0000  
Property Address: 24 CHURCH ST

Mailing Address: GARNEAU JOHANNA K  
537 SILVER ST  
ROLLINSFORD, NH 03869-5415

Parcel Number: 0142-0011-0000  
CAMA Number: 0142-0011-0000  
Property Address: 28 CHURCH ST

Mailing Address: GOSPORT PROPERTIES LLC  
750 EXETER RD  
HAMPTON, NH 03842

Parcel Number: 0142-0044-0000  
CAMA Number: 0142-0044-0000  
Property Address: 31 CHURCH ST

Mailing Address: TIMMONS FAMILY IRREVOCABLE  
TRUST %PAUL TIMMONS TRUSTEE  
31 CHURCH ST  
ROCHESTER, NH 03839-5243

Parcel Number: 0142-0045-0000  
CAMA Number: 0142-0045-0000  
Property Address: 25 CHURCH ST

Mailing Address: FIRST BAPTIST CHURCH OF GREATER  
ROCHESTER  
25 CHURCH ST  
ROCHESTER, NH 03839-5243



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.
- ☒ Complete the application form.
- ☒ Complete the 42.22 Special Exceptions sheet, addressing the five questions. If the special exception is for a garage, you must also complete the Garage Setbacks sheet.
- ☐ A narrative touching the five criteria and explaining what you are requesting a 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 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 zoning clerk)
  - ☐ If for a garage, all appropriate information on proposed garage
- ☐ Photographs, if you have them.
- ☒ 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, including abutters' fees.
- ☐ 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)