



## City of Rochester, New Hampshire

Department of Building, Zoning and Licensing Services  
33 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>2018-15</u>
DATE FILED	<u>12/18/18</u>
<u>Julia Libby</u>	
ZONING BOARD CLERK	

Applicant: Brenda Rainville

E-mail: Brenda@northsouthnh.com Phone: (603) 755-1082

Applicant Address: 52 Walnut Street, Rochester, NH

Property Owner: Brenda Rainville

Property Owner Address: 52 Walnut Street, Rochester, NH

Variance Address: 52 Walnut Street, Rochester, NH

Map Lot and Block No: 0122-0074-0000

Description of Property (give length of lot lines): Front 125', Rear 124.96, Side 100.66, Side 100.68

Proposed use or existing use affected: R-1 existing Single Family Home proposing to convert part of walk out basement to Accessory Apartment to accommodate a family friend with a disability.

The undersigned hereby requests a special exception as provided in Article 42.22, Section b. and

Article 42.23, Section b. 1 of the Zoning Ordinance

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:  Date: 12/17/18

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  
Reasoning: The proposed use meets all standards and criteria set forth in Section 42.23
- (2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood. No  
Reasoning: The proposed use is consistent with the existing permitted use
- (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. No  
Reasoning: The proposed use has no impact to traffic. Access to the existing property will remain the same.
- (4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Yes  
Reasoning: There will be some minor alterations to existing plumbing and electrical that will be performed by licensed professionals. These alterations will not place any added burden on the City's infrastructure.
- (5) The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan. Yes  
Reasoning: The proposed use is permitted by special exception and meets all criteria set forth in 42.23 b. 1 for that use.

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

December 17, 2018

Board of Adjustment  
City of Rochester  
33 Wakefield Street  
Rochester, NH 03867

**RE: Special Exception Accessory Apartment 52 Walnut Street**

To Whom it May Concern,

Please see the attached application to fit out a portion of my walk out basement with an Accessory Apartment. The purpose of the apartment would be to accommodate a family friend who recently became blind due to a surgery. The occupant is capable of living independently but does need assistance from time to time. The proposed fits within the existing structure and meets all standards of an Accessory Apartment as set out in Article 42.23 of the City of Rochester General Ordinances. Thank you in advance for your consideration.

Sincerely,



Brenda Rainville  
52 Walnut St.  
Rochester, NH 03867





CAI Property Card

Town of Rochester, NH

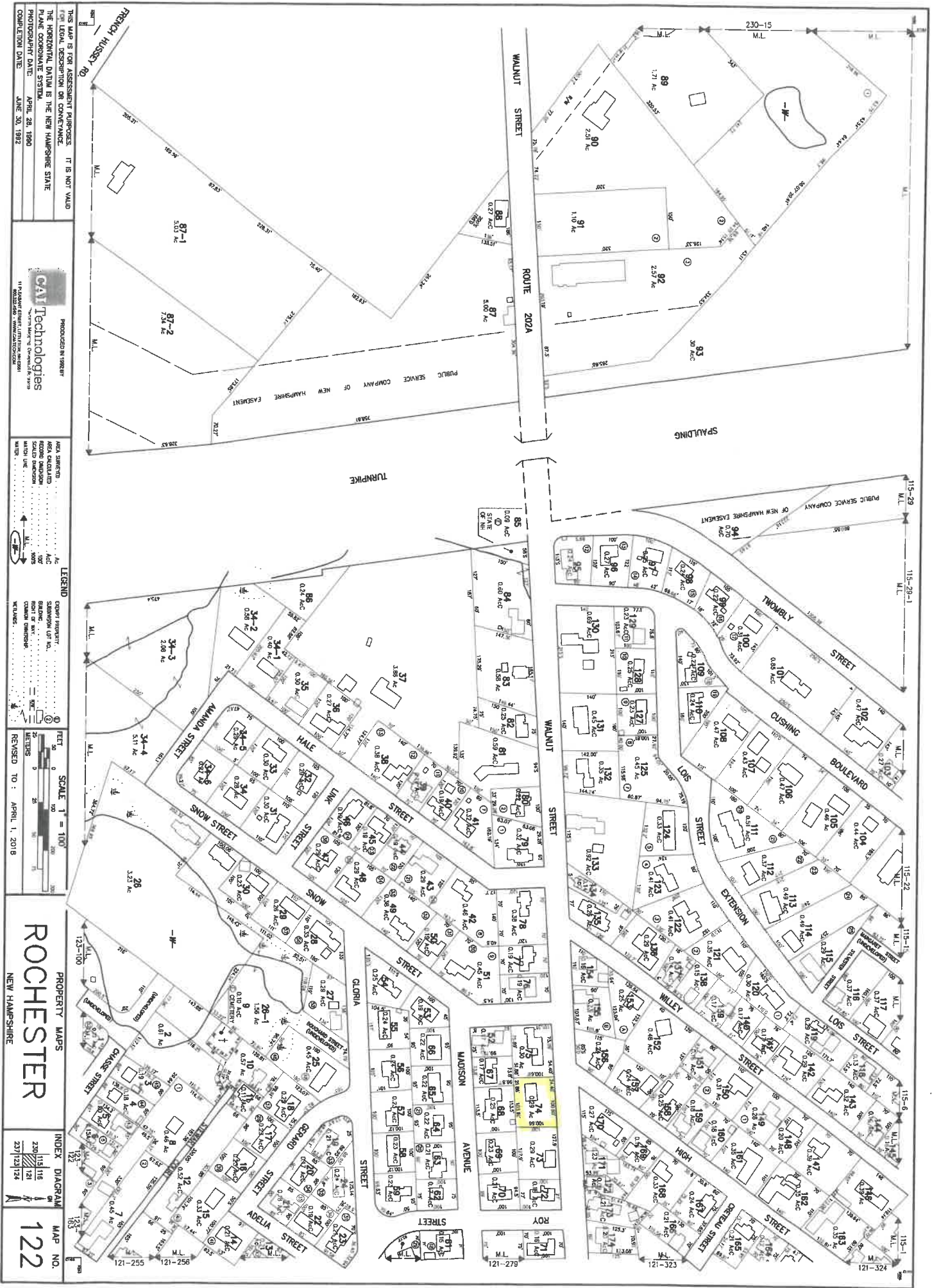
GENERAL PROPERTY INFORMATION	BUILDING EXTERIOR
LOCATION: 52 WALNUT ST ACRES: 0.29 PARCEL ID: 0122-0074-0000 LAND USE CODE: 101 CONDO COMPLEX: OWNER: RAINVILLE BRENDA CO - OWNER: MAILING ADDRESS: 52 WALNUT ST ROCHESTER, NH 03867-1019 ZONING: R1 PATRIOT ACCOUNT #: 3777	BUILDING STYLE: RANCH UNITS: 1 YEAR BUILT: 2001 FRAME: WOOD EXTERIOR WALL COVER: VINYL ROOF STYLE: GABLE ROOF COVER: ASPH SHINGLE
SALE INFORMATION	BUILDING INTERIOR
SALE DATE: 6/2/2015 BOOK & PAGE: 4298-473 SALE PRICE: \$150,777 SALE DESCRIPTION: Bank Sale SELLER: FEDERAL NATL MORTG ASSOC,	INTERIOR WALL: AVERAGE FLOOR COVER: AVERAGE HEAT TYPE: FORCED H/W FUEL TYPE: OIL PERCENT A/C: 0 # OF ROOMS: 5 # OF BEDROOMS: 3 # OF FULL BATHS: 2 # OF HALF BATHS: 0 # OF ADDITIONAL FIXTURES: 0 # OF KITCHENS: 1 # OF FIREPLACES: 0 # OF METAL FIREPLACES: 0 # OF BASEMENT GARAGES: 0
PRINCIPAL BUILDING AREAS	
GROSS BUILDING AREA: 2,596 FINISHED BUILDING AREA: 1,176 BASEMENT AREA: 1,176 # OF PRINCIPAL BUILDINGS: 1	
ASSESSED VALUES	
LAND: 37,000 YARD: 9,700 BUILDING: 180,700 TOTAL: \$227,400	
SKETCH	PHOTO



www.cai-tech.com







THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE. THE HORIZONTAL DATA IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM. PHOTOGRAPHY DATE: APRIL 28, 1990 COMPLETION DATE: JUNE 30, 1992

PRODUCED BY: **CAI Technologies**  
11 KENNEDY STREET, LITTLE ROCK, AR 72205  
(501) 344-1111

AC. SURFED: . . . . .  
AC. CALCULATED: . . . . .  
AC. TOTAL: . . . . .  
AC. STATE: . . . . .  
AC. MATCH LINE: . . . . .

LEGEND  
COMP. PROPERTY  
SUBDIVISION LOT NO.  
BLK.  
CROSSING  
WATER  
REVERSED TO

SCALE 1" = 100'  
0 50 100 200 300 400 500 600 700 800 900 1000  
FEET  
0 10 20 30 40 50 60 70 80 90 100  
METERS  
REVERSED TO: APRIL 1, 2018

PROPERTY MAPS  
**ROCHESTER**  
NEW HAMPSHIRE

INDEX DIAGRAM  
MAP NO.  
**122**



CONNECTEXPLORER



012200740000

MAPLOTSUB

1 of 1

RESIDENTIAL

TOTAL ASSESSED: 227,400

137771

PROPERTY LOCATION

No	Alt No	Direction/Street/City
52		WALNUT ST, ROCHESTER

OWNERSHIP

Owner 1:	RAINVILLE BRENDA
Owner 2:	
Owner 3:	
Street 1:	52 WALNUT ST
Street 2:	
Twn/City:	ROCHESTER
S/Prov:	NH
Postal:	03867-1019

PREVIOUS OWNER

Owner 1:	FEDERAL NATL MORTG ASSOC -
Owner 2:	% WELLS FARGO HOME MTG MAC -
Street 1:	1000 BLUE GENTIAL RD STE 300
Twn/City:	EAGAN
S/Prov:	MN
Postal:	55121

NARRATIVE DESCRIPTION

This Parcel contains .29 AC of land mainly classified as SINGLE FAM with a(n) RANCH Building Built about 2001, Having Primarily VINYL Exterior and ASPH SHINGLE Roof Cover, with 1 Units, 1 Baths, 0 Halfbaths, 1 3/4 Baths, 5 Rooms Total and 3 Bdrms

OTHER ASSESSMENTS

Code	Description	Amount	Com. Int
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IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value	Legal Description
101	180,700	9,700	0.290	37,000	227,400	

Total Card	180,700	9,700	0.290	37,000	227,400	Entered Lot Size
Total Parcel	180,700	9,700	0.290	37,000	227,400	Total Land: 0.29
Source: Market Adj Cost				Total Value per Sq Unit /Card: 193.37	/Parcel: 193.37	Land Unit Type: AC

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes
2018	101	FV	180,700	9700	.29	37,000	227,400	227,400	Year End Roll
2017	101	FV	180,700	9700	.29	37,000	227,400	227,400	Year End Roll
2016	101	FV	160,000	9700	.29	37,000	206,700	206,700	Year End Roll
2015	101	FV	160,000	9700	.29	37,000	206,700	206,700	Year-end
2014	101	FV	160,000	9700	.29	37,000	206,700	206,700	Year-end Roll
2013	101	FV	143,800	9700	.29	49,400	202,900	202,900	Year End Roll
2012	101	FV	143,800	9700	.29	49,400	202,900	202,900	Year End Roll
2011	101	FV	143,800	9700	.29	49,400	202,900	202,900	Year End Roll

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes
FEDERAL NATL MO	4298-473	2	6/2/2015	Bank Sale	150,777	No	No	4		
ROBINSON JEFFRE	4263-735	1	10/22/2014	In Lieu of	159,800	No	No	4		
WOTTON BRUCE R	2348-744		7/24/2001	Val Lnd&Bldg	132,650	No	No	5		
SUNRISE REVOCAB	2267-780		1/6/2001	Resold in EQ	16,000	Yes	No	4		
TASSO RUTH V	2200-593		5/30/2000	DNU Trust	9,900	Yes	No	5		
CARDOSI VICTOR	1968-196		11/14/1997	Multi Parcel	92,000	Yes	No	4		
CARDOSI VICTOR	1419-346		10/6/1988		No	No				
CARDOSI VICTOR	863-177		9/18/1969		No	No				

TAX DISTRICT

PAT ACCT.

BUILDING PERMITS

Date	Number	Descrp	Amount	C/O	Last Visit	Fed Code	F. Descrp	Comment
10/15/2002	1218	ELECTRIC	500 C		3/11/2003			
7/19/2002	803	GARAGE	12,000 C		3/11/2003			
11/14/2000	1072	RES BLDG	51,000 C					

ACTIVITY INFORMATION

Date	Result	By	Name
6/25/2015	DEED CHANGE	VK	VERNA
12/22/2014	DEED CHANGE	VK	VERNA
5/23/2014	OWN ADD CHG	LA	LEONA
11/26/2013	OWN ADD CHG	VK	VERNA
2/1/2013	INTER ONLY	NM	NANCY
5/12/2010	CORRECTION	NM	NANCY
5/27/2008	INTER ONLY	NM	NANCY
4/25/2008	EXT ONLY	NM	NANCY
8/21/2002	MEAS+INSPCTD	TM	TOM

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh Inftu	Neigh Mod	Inft 1	%	Inft 2	%	Inft 3	%	Appraised Value	Alt Class	Spec Land Code	J Fact	Use Value	Notes
101	SINGLE FAM		0.29		PRIMARY A SITE		1.0	0	45,000	2,836	1150								37,013				37,000	

Total AC/Ha: 0.29000

Total SF/SM: 12632.40

Parcel LUC: 101 SINGLE FAM

Prime NB Desc: RESIDENTIAL

Total: 37,013

Spl Credit: deem

Total: 37,000



Patriot Properties Inc.

USER DEFINED

Prior id # 1:	
Prior id # 2:	
Prior id # 3:	
Prior id # 1:	
Prior id # 2:	
Prior id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted.

Database: AssessPro

deem

2010



TABLE 18-A RESIDENTIAL USES 8/7/2014

RESIDENTIAL USES	Residential Districts				Commercial Districts			Industrial Districts		Special		Criteria/Conditions
	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 & 42.33I
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
Porchtop 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 Specific Criteria

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

*(Examples: 1) An on site recreational facility serving employees of a business would be an accessory use, but if outside people were invited to use the facility for a fee it would be considered a commercial recreational facility; 2) An on site vehicle maintenance for a fleet of vehicles used in an office complex would not be an accessory use even though it supports the principal use due to the potentially significant impacts of the maintenance operation; 3) A contractor performing simple maintenance on his/her own vehicles on site would be considered an accessory use to a contractor's storage yard but if the contractor performs work on other vehicles for a fee, the storage yard would be redefined as commercial vehicle service.)*

5. Permitted By Right. An accessory use is permitted by right if the principal use to which it is accessory is permitted by right, by conditional use, or by special exception.
6. Dimension Requirements. Detached accessory roofed structures are subject to the requirements articulated in Section 42.19 – Dimensional Regulations, except for noted exceptions.
7. Review. A proposed accessory use is subject to site plan or subdivision review if that use meets the threshold of review articulated in the Site Plan Regulations or the Subdivision Regulations.
8. Secondary Uses. Secondary uses (which are not deemed accessory uses since they are not actually supportive of a principal use) which clearly would have no significant negative impacts may be treated as accessory uses at the reasonable discretion of the Director of Building, Zoning, and Licensing Services. *(Example: While gardening is an accessory use to a residence it is not accessory to a commercial use. However, it would be reasonable to permit the owner of a business to use vacant land at the rear of the business property for his/her own personal gardening.)*

b. Standards for Specific Accessory Uses. The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:

1. Accessory Apartment. An accessory apartment is permitted subject to compliance with all of the following standards and procedures:
  - A. It is permitted where and as specified in the Table of Uses (by right or by special exception);
  - B. It is accessory to a single family dwelling only;
  - C. It must be a studio or one bedroom apartment;
  - D. It may not exceed 800 square feet;
  - E. It may not house more than two occupants;
  - F. It may be either part of the single family house or in a separate building, such as above a garage;

- G. There may be only one per lot;
  - H. The main house must be owner occupied;
  - I. At least one parking space must be provided for the unit;
  - J. Where municipal sewer service is not provided, the septic system shall meet NHDES requirements for the combined system demand for total occupancy of the property; and
  - K. It is exempt from site plan review but a letter of intent must be submitted to the Building Inspector to ensure that the above conditions are met.
  - L. If it is a security apartment, it shall not exceed 800 square feet and it shall be attached to or located with an allowed commercial, office or industrial use. Such unit may be occupied by the business owner, family member or employee whose purpose is to provide security and/or protection of the business premises. This use shall require Site Plan review.
  - M. If it is a caretaker apartment it shall be attached to or located with an allowed residential or nonresidential use and it shall be occupied by the owner, family member or employee of the principal use and the gross floor area does not exceed 800 square feet. This use shall require Site Plan review.
2. Accessory Sales and Service. Small scale retail sales and services may be offered as an accessory use in nonresidential districts which do not permit retail sales and service (including Airport, Hospital, Industrial, and Office Commercial Districts) where the activity is clearly established to serve on site employees or customers of the principal use in an incidental, supportive, or subordinate manner.
- Generally, but not necessarily, such accessory uses are situated on the interior of the building housing the principal use with no separate entrance and no exterior evidence of the operation. (*Examples: a newspaper or flower vendor located in the lobby of an industrial facility; a card shop located inside a hospital; a cafeteria or exercise facility serving employees.*)
3. Animals and Pets, Keeping of. The following standards apply to the keeping of animals in a residence:
- A. Household Pets. Keeping typical household animals as pets, including dogs, cats, birds, small turtles, etc. is an accessory use provided their presence does not become a nuisance or a health hazard.
  - B. Breeding Pets. Breeding numerous animals on a frequent or regular basis for sale is considered a business and not an accessory use.



# Abutters List Report

Rochester, NH  
December 17, 2018

\$ 31.36

## Subject Property:

Parcel Number: 0122-0074-0000  
CAMA Number: 0122-0074-0000  
Property Address: 52 WALNUT ST

Mailing Address: RAINVILLE BRENDA  
52 WALNUT ST  
ROCHESTER, NH 03867-1019

## Abutters:

Parcel Number: 0122-0067-0000  
CAMA Number: 0122-0067-0000  
Property Address: 27 MADISON AVE

Mailing Address: FIELER RICHARD B  
27 MADISON AVE  
ROCHESTER, NH 03867-1818

Parcel Number: 0122-0068-0000  
CAMA Number: 0122-0068-0000  
Property Address: 25 MADISON AVE

Mailing Address: SMITH DAVID C & ANN M  
25 MADISON AVE  
ROCHESTER, NH 03867

Parcel Number: 0122-0069-0000  
CAMA Number: 0122-0069-0000  
Property Address: 23 MADISON AVE

Mailing Address: LIBERTY MARY E & GAMACHE MICHAEL  
L  
23 MADISON AVE  
ROCHESTER, NH 03867-1818

Parcel Number: 0122-0073-0000  
CAMA Number: 0122-0073-0000  
Property Address: 46 WALNUT ST

Mailing Address: CATES CHRISTOPHER D  
46 WALNUT ST  
ROCHESTER, NH 03867

Parcel Number: 0122-0074-0000  
CAMA Number: 0122-0074-0000  
Property Address: 52 WALNUT ST

Mailing Address: RAINVILLE BRENDA  
52 WALNUT ST  
ROCHESTER, NH 03867-1019

Parcel Number: 0122-0075-0000  
CAMA Number: 0122-0075-0000  
Property Address: 54 WALNUT ST

Mailing Address: TASSO WILLIAM J JR  
5 VIOLET RD  
BILLERICA, MA 01821-5324

Parcel Number: 0122-0156-0000  
CAMA Number: 0122-0156-0000  
Property Address: 31 HIGH ST

Mailing Address: A J & E S REALTY TRUST % LIBERTY  
BRIAN J & DEBRA J  
31 HIGH ST  
ROCHESTER, NH 03867-1006

Parcel Number: 0122-0170-0000  
CAMA Number: 0122-0170-0000  
Property Address: 30 HIGH ST

Mailing Address: MCINNIS JEAN L  
30 HIGH ST  
ROCHESTER, NH 03867-1007



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12/17/2018

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

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