



# City of Rochester, New Hampshire

## *Zoning Board of Adjustment*

March 12, 2020

### **Notice of Decision**

**Z-19-13** Thomas Demchak applicant seeks a *Variance* from section 20.2(q) of the Zoning Ordinance to permit a commercial stable where none of the following requirements will be met:

- i. The minimum lot size required shall be 5 acres.
- ii. The side and rear setbacks for structures housing horses shall be 100 feet from any property line.
- iii. Any storage areas for manure shall be set back at least 200 feet from any lot lines. Manure must be handled according to best management practices.

**Location:** 72 Crown Point Rd, Rochester, NH 03867, MLB 0235-0050-0000 in the Agricultural Zone.

The Zoning Board of Adjustment has *denied* the Variance because they failed to prove that they meet any of the 5 criteria needed.

**Z-19-14** Thomas Demchak applicant seeks a *Variance* from section 23.2(a)(3)(e) of the Zoning Ordinance to permit the keeping of the horses as an accessory use to a residence, not carried out as a business, where the following requirements will not be met:

- i. A lot in the AG District is at least 3 gross acres.
- ii. A lot in all other districts is at least 2 gross acres.
- iii. There is an additional ¼ acre of land beyond the minimum specified in iii. and iv, above, for each animal kept beyond the first one.
- iv. No area or structure for the housing, stabling, storage of manure/animal waste, or feeding of animals shall be located within 100 feet of any property line.
- v. Handling of manure/animal waste must follow best management practices and not be a nuisance for neighbors.
- vi. No animals shall be pastured within 25 feet of any side or rear property line except where the abutting property owner consents to a reduced setback.

**Location:** 72 Crown Point Rd, Rochester, NH 03867, MLB 0235-0050-0000 in the Agricultural Zone.

The Zoning Board of Adjustment has *denied* the Variance because they failed to prove that they meet any of the 5 criteria needed.

**Z-19-15** Thomas Demchak applicant seeks a *Variance* from section 23.2(a)(3)(e) of the Zoning Ordinance to permit the keeping of the horses as an accessory use to a residence where the following requirements will not be met:

- i. The activity is not carried out as a business.
- ii. A lot in the AG District is at least 3 gross acres.
- iii. A lot in all other districts is at least 2 gross acres.
- iv. There is an additional  $\frac{1}{4}$  acre of land beyond the minimum specified in iii. and iv, above, for each animal kept beyond the first one.
- v. No area or structure for the housing, stabling, storage of manure/animal waste, or feeding of animals shall be located within 100 feet of any property line.
- vi. Handling of manure/animal waste must follow best management practices and not be a nuisance for neighbors.
- vii. No animals shall be pastured within 25 feet of any side or rear property line except where the abutting property owner consents to a reduced setback.

**Location:** 72 Crown Point Rd, Rochester, NH 03867, MLB 0235-0050-0000 in the Agricultural Zone.

The Zoning Board of Adjustment has *denied* the Variance because they failed to prove that they meet any of the 5 criteria needed.



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Mr. Robert Gates – Vice Chair  
Rochester Zoning Board of Adjustment

**It is the applicant's responsibility to obtain any applicable permits from local, state, and federal agencies. Contact the Department of Building, Zoning and Licensing Services at (603) 332-3508 ext. 1, to apply for any necessary permits and certificates. Any work completed within the thirty (30) day appeal period, explained below, is at your risk.**

**Note:** Any person affected has a right to appeal this decision. A request for a rehearing is the first step of an appeal. The request must be submitted to the Department of Building, Zoning and Licensing within **thirty (30) calendar days**, starting the day after the decision is made. If a rehearing is not granted, the next step is to appeal to Superior Court within thirty (30) days. If a rehearing is granted, it is the responsibility of the original applicant to present the case to the Zoning Board, with the same obligations and following the same procedure used when the case was first heard.

**As per RSA 674:33.I.(a)**

**Approved Variances authorized by the Zoning Board of Adjustment, Rochester NH shall be valid only if exercised within 2 years from the date of this notice.**

Cc: File

Thomas Demchak

Attorney Scott Hogan