

City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Application

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



| DO NOT WRITE IN THIS SPACE | |
|----------------------------|---|
| CASE NO. 7-20 D2 | _ |
| DATE FILED 1-22-20 | |
| Deemonda | |
| ZONING BOARD CLERK | |

| Applicant: Rochester Assembly of God DBA Revolution Church |
|--|
| |
| 87 Lowell St Rochester, NH 03867 Applicant Address: |
| Property Owner: |
| 87 Lowell St Rochester, NH 03867 Property Owner Address: |
| 87 Lowell St Rochester, NH 03867 Variance Address: |
| 0133-0044-0000 Map Lot and Block No: |
| 10.25 acres and 14,800 sq. ft. building Description of Property: |
| Religious Proposed use or existing use affected: |
| The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section 18.2 / Table 18-B |
| and asks that said terms be waived to permit |
| |
| 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. |
| Docusigned by: Docusigned by: Docusigned by: Do |
| 8365E590342F4A4 DocuSigned by: DocuSigned |



City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Criteria

| 1) Granting the variance would not be contrary to the public interest because: |
|--|
| see attached |
| 2) If the variance were granted, the spirit of the ordinance would be observed because: |
| see attached |
| 3) Granting the variance would do substantial justice because: |
| see attached |
| 4.) If the variance were granted, the values of the surrounding properties would not be diminished because: |
| see attached |
| 5.) Unnecessary Hardship: a. Owning 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: |
| see attached |
| And: ii. The proposed use is a reasonable one because: see attached |
| see attacheu |
| b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owning 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. |
| see attached |
| |

ZBA- Variance Criteria

- a professional administrative office building at 87 Lowell St would not be a burden to abutters. There would not be any additional noise, traffic, lighting, or changes to the property to disturb the neighbors. Granting a variance would be consistent to the existing church for abutters. Having an active use in the existing building would improve the public interest, as it would be well maintained, creating a better appearance if occupied, making surrounding property values greater, and having an active business would help ensure security in the neighborhood, as their are far less break-ins and vandalism in occupied properties. Lastly, having a business that would be on the tax role would be beneficial to all.
- 2) If the variance were granted, the spirit of the ordinance would be observed because: The general use of the existing facility would remain largely unchanged. The spirit of the Zoning ordinance for the R-1 zone is to create low density neighborhoods that are primarily residential, and the City already acknowledges that a low key nonresidential use is appropriate for this lot, and is why the City gave permission for the Church to establish here. There would be no negligible difference between a church and a professional administrative office use at this location, as traffic flow, days and times of operation, and appearance and security measures would all be the same.
- Granting the variance would do substantial justice because: It would open the opportunity for a potential new business ie: professional administrative offices, would create new Jobs, potential new home sales of business employees, increased tax revenue to the City of Rochester, and it will release the burden of carrying costs to operate for the existing business/church entity. Without granting a variance, the property would remain vacant and non-economical, and the market for over 1 year has proven this to be true. It would be an injustice to require this property/structure to be used as a conforming use, because the chances of someone converting this to a 14,000 sq. ft. home is highly impossibly.
- 4) If the variance were granted, the values of the surrounding properties would not be diminished because: There would be no significant change in the property, therefore, as it currently stands, the property value wouldn't change. By allowing such variance in the property zoning for 87 Lowell St, having it up and running as a professional administrative office space, would actually protect the values of abutting properties. If left unsold, it runs the risk of becoming dilapidated and potentially vacant, which could cause harm to surrounding properties values and security. The existing large buffers between this use and abutting uses will not be changed.

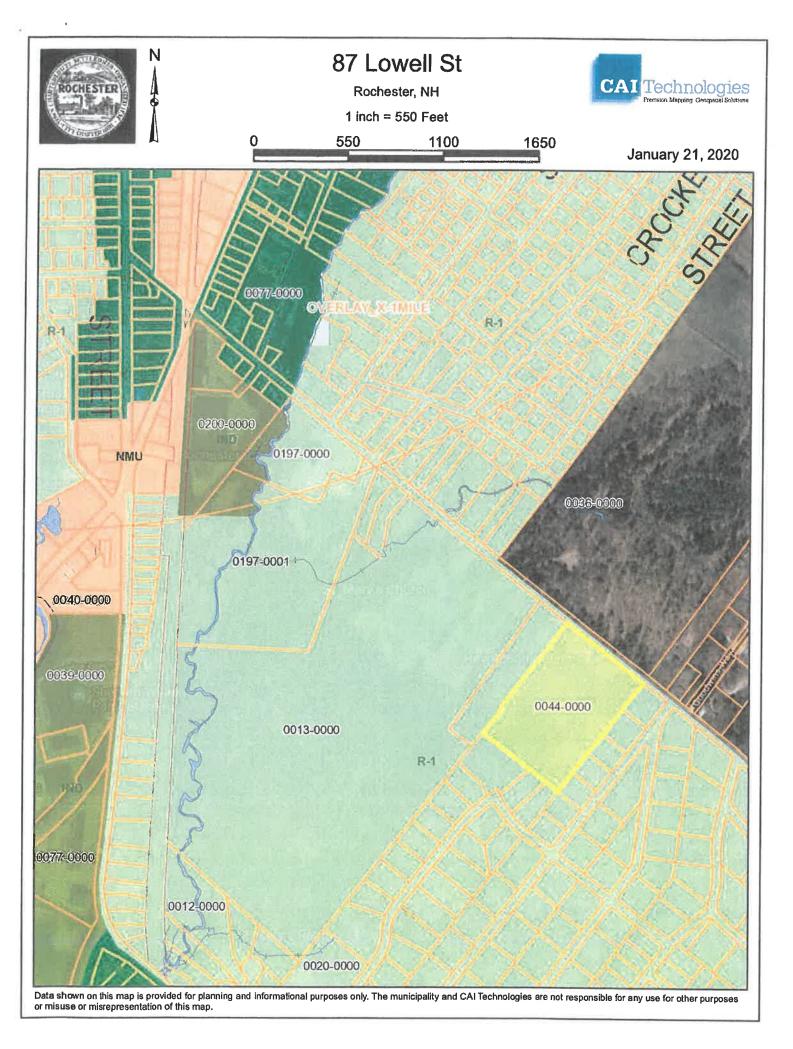
5) Unnecessary Hardship:

- a.) Owning 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: There are not enough people living in Rochester to support the current zone of R1 allowing residential, agricultural store, education, or religious entity, as the town and surrounding area already has many churches, schools and agricultural stores. Due to this, we are unable to sell the property to the currently allowed business types.
- 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: General use of the property remains unchanged. There are no similarities to any other structure in this zone, and is best suited for professional administrative offices. This building as it currently stands for existing use, was never really built to conform.
- ii.) The proposed use is a reasonable one because: There will be no change to the property, structure, or hours of operation. Professional Administrative offices are quiet, don't generate much traffic aside from staff, and are basically the only use that can be retrofitted in a church space of this size.
- b.) Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owning 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 property/building can't be sold within it's current use, because there are no agricultural, residential, educational, or other religious entity that has intentions or use for the 14,000 sq.ft. space as it exists. Any other business type, or even a developer, would need to make changes to the property. A professional administrative offices have adequate space to operate within the existing structure, and would not require any other significant changes to the property.

ZBA Narrative

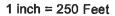
The Rochester Assembly of Gods, DBA Revolution Church, located at 87 Lowell St, is located in a R1 zone. The owners wish to sell the property to move the business to a small space in the community, as this is too much property for them to physically and financially maintain any longer. Revolution Church is not able to sell the property at 87 Lowell St, which has now been listed on the MLS for almost 1 year. Due to it's current zoning, it only allows for another religious entity ultimately. There has been a lot of interest in the property due to the size of the building, by other professional admin/ office type businesses, however, without a proper zoning allowance/variance, all potential interested buyers have walked away. If we could get an approval for a variance to allow a Professional Administrative office type to acquire the property, it would open the opportunity for the sale of the property, and it would potentially create new jobs, new residents, tax revenue, and assist in the "revitalization" to the city of Rochester. The Zoning District, R-1, really only allows for single family homes, and as such a 14,000 sq. ft. Non-residential building isn't ever likely to be converted to an approved use. Being that Revolution Church is a religious entity, they are currently tax exempt, therefore the town of Rochester could benefit in allowing a new business to acquire the property consisting of 10.25 acres and a 14,000 sq.ft. building, any new business would generate great tax revenue to the city.





87 Lowell St

Rochester, NH





0 250 500 750

January 21, 2020



Data shown on this map 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 misrapresentation of this map.



January 19th, 2020

Revolution Church 87 Lowell Street Rochester, NH 03867

To whom it may concern,

We, the Executive Leadership Team at Revolution Church, permit all correspondence via email or phone, be filtered through our real estate agent, Carrie Alex of Keller Williams Coastal Realty. carriealex@kw.com or (603)978-2911

We will be representing ourselves during the Zoning Board of Adjustment meeting to present our case.

Thank you,

Executive Leadership Team (ELT) Revolution Church

Docusigned by:

Clifs McKindey

Docusigned by:

Jannes Stevens

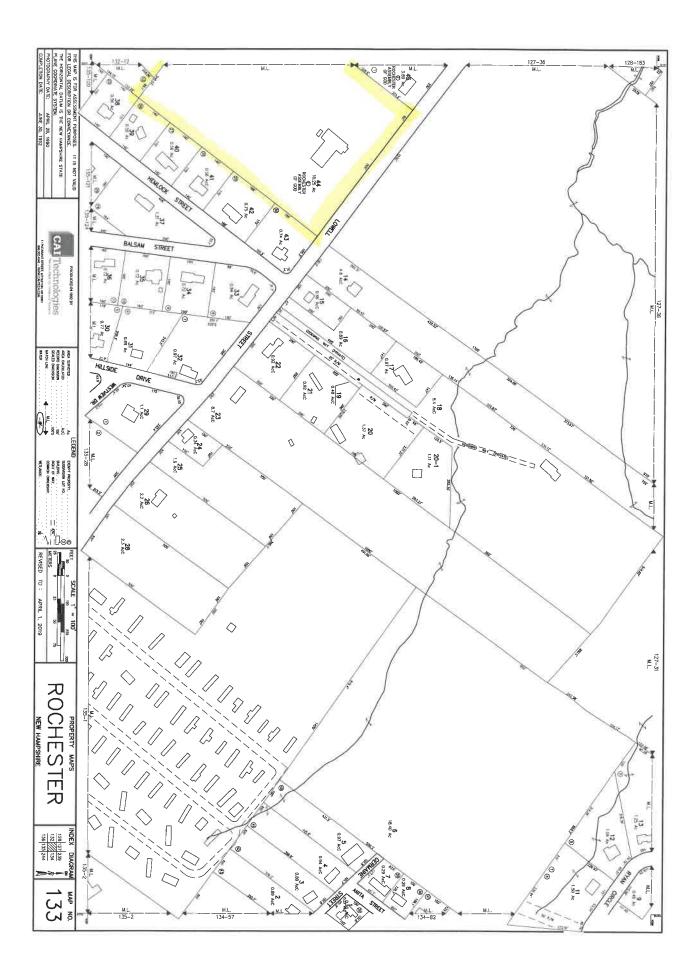
OFFICE, PROFESSIONAL

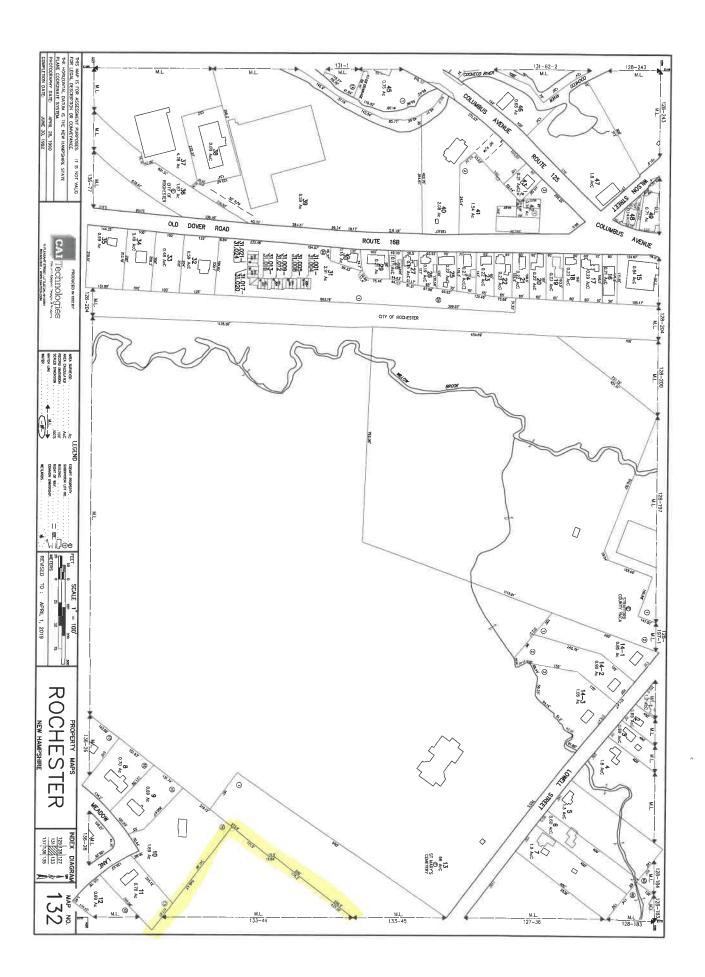
A building, portion of a building, or leasable space housing professionals such as lawyers, architects, engineers, surveyors, designers, teachers, accountants or others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise (other than limited incidental merchandise) exists. "Office, professional" excludes "office," "office, medical" and "retail services" (see those definitions)

ROCHESTER CODE

| Sales-Service-Office- | | Residential | al Districts | S | ŭ | ommerci | Commercial Districts | S | Industrial Districts | strial ricts | Special | cial | Criteria/Conditions |
|--|---|-------------|--------------|----|----|---------|----------------------|----------|-------------------------|-----------------|---------|------|---------------------|
| Institutional Uses | R | R2 | NMO | AG | DC | OC | 25 | HC | 15 | ΙZ | HC | V | Defendance |
| Laundry establishment-2 | I | ı | Ы | 1 | Ь | | ı | Ы | 5 1 | I | I | | |
| Library | | ပ | Ы | ၁ | ۵ | Ь | | Ь | - | 1 | 1 | | Article 21 |
| Marina | | I | I | 1 | ı | | | Ы | 1 | I | | | |
| Museum | | ၁ | Ы | ၁ | Ь | Ь | Ъ | Ъ | | i | 1 | 1 | Article 21 |
| Office | - | | Ъ | | Ь | Ь | Ы | Д | Д | Ы | | | |
| Office, medical | | 1 | C | Ι | Ь | Ь | Д | Д, | ၁ | | Ъ | Ь | Article 21 |
| Office, professional | I | | Ь | 1 | Ь | Ь | Ы | ۵ | Ы | 1 | 1 | 1 | |
| Personal service establishment | | 1 | Ы | | 4 | Ы | Ъ | Ъ | I | I | | 1 | |
| Retail sales (under 5,000 square feet) | | 1 | Ъ | | Ы | ш | Д | Ь | 1 | 1 | | | |
| Retail sales (5,000 to 30,000 square feet) | | I | 1 | | Ы | 1 | 2 | <u>a</u> | 1 | 1 | 1 | I | |
| Retail sales (over 30,000 square feet) | | 1 | | | ı | | Ь | а | ı | 1 | 1 | - | |
| Retail service | - | | О | | Ь | Ь | Ъ | Ы | 1 | 1 | | | Article 21 |
| School, K-12 | ၁ | ၁ | С | Э | C | Ь | I | ပ | 1 | 1 | I | | Article 21 |
| School, other | | သ | С | C | P | Ь | 1 | Ь | Ü | 1 | | | Article 21 |
| Secondhand shop | I | သ | P | 1 | P | P | 1 | Ь | **** | ı | | 1 | Article 21 |
| Service establishment | 1 | I | С | | С | Ι | Ь | ပ | Ь | 1 | 1 | 1 | Article 21 |
| Shelter | | 1 | - | | Е | E | 1 | Ь | E | 田 | E | | |
| Small wind energy systems | Ь | Ь | Ь | Ъ | Ь | Ъ | Ъ | Ь | P | Ь | Ь | Ь | Article 20 |
| Vehicle sales, new | I | 1 | ပ | I | | I | Ь | Ъ | 1 | anyoputa | | 1 | Articles 20 and 21 |
| Vehicles sales, used | I | 1 | C | 1 | | 1 | Ь | Ь | ı | - | I | I | Article 20 |
| Vehicle service | 1 | 1 | | 1 | - | | Ъ | Ь | Ь | 1 | I | | |
| Yard sale, commercial | | | | | | - | | ນ | ı | | | | Articles 20 and 22 |



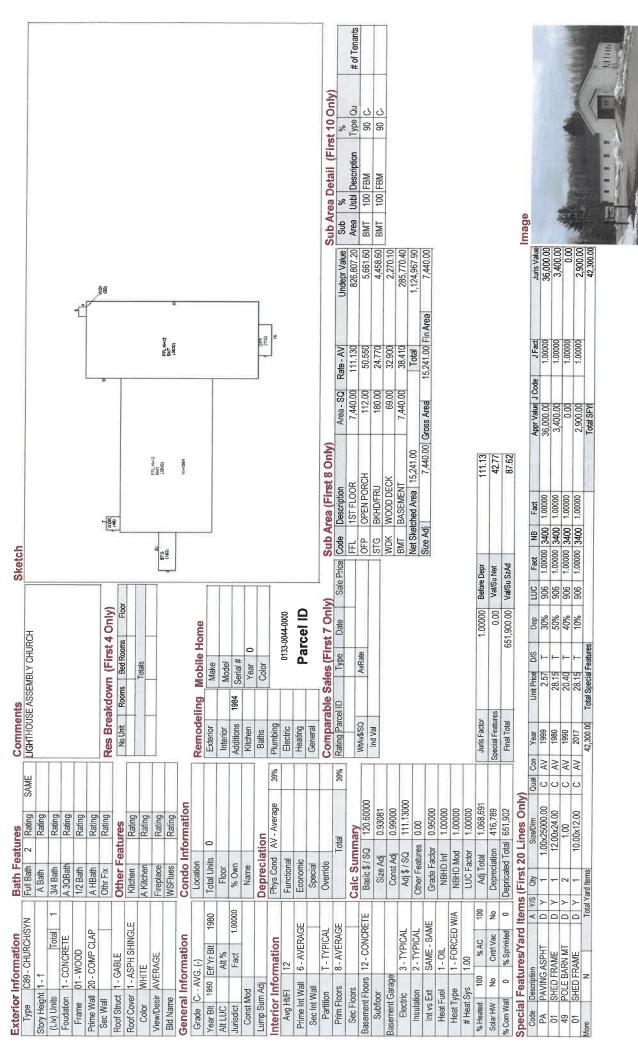




| Total Parcel | 0 | 857,000 | | | l. | | iot | is Inc. | | | | | | | | | | | | | | | | | 70 | | - | | | | | | | | | | | | | _/_/ | lotes | | 162,800 |
|-----------------------------------|-------------------|-------------------------------------|-----------------------|----------------------|---------------|---------------------------|-------------------------------|-----------------|-------------------|----------------|------------------------------------|------------------------------------|-----------------|-----------------------|---------------------------------|-----------------------|-------------------|-----------------------|-----------------------|-----------------------|-----------------------|---|--|--|--------|-------------------|-------------|---------------------------------------|---|--------------------------|-----------------------------|----------------------|--------------------------|------------------------|---------------------|---------------------|---------------------|---------------------|--------------------|-------------|------------------------------|--|---------------------------|
| Total Card | / 0 | 857,000 / | | 4 | | | Patriol | Properties Inc. | 1000 | | | | | | | | A CO A | Factor Dietriot | Pactor District | agortot Ango | market Area | Year | Change Reason | | Card | , <u>,</u> | 5 | | | By Name | | | | TM TOW | İ | | | | MO I | 6 | d Assessed Value Notes | | Total 32,800 |
| APPRAISED- | USE VALUE: | ASSESSED: | User Account | 27512 | GIS Reference | | GIS Reference | | Inspection Date | | | Print | Date Time | 01/23/20 16:06:27 | Last Rev | Date Time | 09/19/12 16:13:00 | Calculaton | Pat Acct | 476 | Tax District | | | | | | | | on (rirst 11 Lines | | | | | | | | | | | | Spec Juris Land | | no.: |
| Acct: 476 | ester | Legal Description | | | | | Entered Lot Size | 10.25 | AC - EXCESS ACRES | 0133-0044-0000 | | Date | 10/30/2019 | 09/19/2018 | 09/07/2017 | 09/08/2016 | 10/01/2015 | 09/29/2014 | 09/04/2013 | 09/20/2012 | 09/27/2011 | | Notes | NOISS | | | | A - 41- 17- 1-41 | Activity Imormation (First 11 Lines Only) | 04/02/2019 CORRECTION | 02/20/2018 NO INSP | 03/01/2017 EXT ONLY | 03/01/2017 EXT ONLY | 02/10/2015 DWN ADD CHG | 03/19/2014 EXT ONLY | 12/11/2012 EXT ONLY | 12/11/2012 EXT ONLY | 12/11/2012 EXT ONLY | IZIIIZUIZ ENI UNLI | Sign: | Appraised Value Alt % | 130,000 | 52,800.00 |
| | City of Rochester | Legal | Total Value | 857,000.00 | 857,000.00 | 857,000.00 | | Total Land | Land Unit Type | Parcel 10 | | Je Notes | 00 | 844,800 Year End Roll | 844,800 Year End Roll | 857,300 Year End Roll | 857,300 Year-end | 857,300 Year End Roll | 944,100 Year End Roll | 940,800 Year End Roll | 940,800 Year End Roll | | Cale Bree W TCE Wortfordian | No No OTHER | 2 | | | | Concertible | Remove old wiring behind | Build 10 x 18 enclosed entr | ADDING SUB PANEL BEH | REPORT RECD 3/31/2016 | | REPAIR WATER DAMAGE | | | | | | % | | Total |
| COMMERCIAL | | | Land Value Total | 162,800.00 857,0 | | | /Parcel 115.19 | | | | | Total Value Assessed Value Notes | 857,000 857,000 | 844,800 844,80 | | | 857,300 857,30 | | 944,100 944,10 | 940,800 940,80 | 940,800 940,80 | | | | 0.00 | | | | C Decrintion | | EXEMPT CONST | EXEMPT CONST | INTENTS | EXEMPT CONST | COM CONST | EXEMPT CONST | EXEMPT CONST | | | | Infl 2 % Infl 3 | | RESIDENTIAL |
| | | S Only) | Yard Items Land | 42,300.00 162 | | 300.00 | 115.19 | | | | | Land Value Tol | 162,800 | 162,800 | | | 162,800 | | 162,800 | 162,800 | 162,800 | 5 | Date Code | 74 | | | | | Amount CO Part Vicit End Code | 5 | 03/01/2017 5 | 5 | \neg | 03/19/2014 | 03/19/2014 | | 2 | | | | Neigh Infl 1 %. | | Prime NB Desc RESIDENTIAL |
| | | ry (First 4 Lines Only) | Building Value Yard | 651,900.00 42, | | | Total Value per Sq Unit /Card | | | | Lines Only) | | 300 10.2500 | 500 10.2500 | 10.2500 | 300 10.2500 | 10.2500 | | 10.2500 | 10.2500 | 10.2500 | | | | 12/28 | | | (AlaC) | Amount Of | 5,000.00 | 3,800.00 CE | 9,000.00 CE | | | - 1 | - 1 | 400.00 C | | | | Neigh Neigh | .00 3400 1.000 .76 3400 1.000 | RELIGIOU |
| uo | | In Process Appraisal Summary (First | Land Size Building | 10.25 651, | | | Mkt Adj Cost Total V | | | | Previous Assessment (First 9 Lines | Bidg Value Yrd Items | 651,900 42,300 | 652,500 29,500 | 652,500 29,500 | 665,700 28,800 | 665,700 28,800 | | 752,500 28,800 | 749,200 28,800 | 749,200 28,800 | 1 | Granty Granty | JNCIL OF 953-130 | 899-70 | | | Ruilding Parmite /Firef 8 Inde Only | Description | | MANUAL | ELECTRIC | 15-389-18-T TIMBER INTIN | PLUMBING | REPAIRS | PLUMBING | PLUMBING | | | | Price | 65,000.00 65,000.00 4,000.00 3,975.76 | |
| Building Location 87 LOWELL ST | | In Process App | Use Code La | 906 | Total Card | lce | Source | | | | Previous Asse | Tax Yr Use Cat | 2019 906 FV | 2018 906 FV | 906 | _ | 2015 906 FV | 906 | 2013 906 FV | 2012 906 FV | 2011 906 FV | Accessed and and | Grantor | NO N.E. DISTRICT COUNCIL OF 953-130 | | | | Zuilding Dermi | Date Number | 1 | 12/14/2016 B-16-907 | 04/13/2016 E-16-74 | | | | | 09/11/2012 3478 | | | 2 | | 1.00000 S 1.00000 | 4. |
| | | | | ER | Unit No. | | | | | | | Occ N | Type | | GO | | | | | | | | | - | | | unt Com Int | | | Code Description | SEPTIC | NONE | CITY WATER C | | | I FVF! | I | MEDITIM | | + | Unit Iype | PRIMARY ACRE SITE EXCESS | |
| 0000 | Lot | | Direction/Street/City | LOWELL ST, ROCHESTER | | ROCHESTER ASSEMBLY OF GOD | N CHURCH | | STE 225 | | | | È | | NO N.E. DISTRICT COUNCIL OF GOD | | | | | intry | | _ | This parcel contains 10.25000 AC of land mainly classified as RELIGIOUS with a | 1950, having primarily Comercial Unit 2 Baths | | | Amount | | | % Item Code | 100 Utility 1 0 | Utility 2 4 | Utility 3 9 | Exempt | | n Topo 1 | Street | | | Lines Only) | No or Units Deptry PriceUnit | 2.0000 | 0000 |
| | Block | Location | Alt No. Direc | LOW | hip | ROCHESTER A | % REVOLUTION CHURCH | | 39 SO MAIN ST | | ROCHESTER | NH Country | 03867 | Previous Owner | NO N.E. DISTR | | | | | Country | 100 | Narrative Description | contains 10.25000 AC or | YN Building built about juare Feet, with 1 Comp | | Other Assessments | Description | | Property Factors | 43 | RESIDENCE 1 | | | | | ROCHESTER | | | i. | on (First 9 | Factor | RELIGIOUS 1.0000 | 圣 |
| 0133 | Map | Property | No. | 87 | Ownership | Owner 1 | Owner 2 | Owner 3 | Street 1 | Street 2 | Town/City | St/Prov | Postal | Previou | Owner 1 | Owner 2 | Cfroat 1 | Town/Ciby | Common Costs | STATION | Postal | Narrativ | This parcel c | and 7,440 So | | Other A | Code | | Proper | Item Codi | Zone 1 R1 | Zone 2 | Zone 3 | Census Tract | Flood Hazard | District 1 RO | District 2 | District 3 | | Land St | | 906 RELIGIOUS 906 RELIGIOUS | |

User: ROCHESTER\dee.mondou

Parcelld: 0133-0044-0000





Abutters List Report

Rochester, NH January 21, 2020

Subject Property:

Parcel Number: 0133-0044-0000

CAMA Number: 0133-0044-0000 Property Address: 87 LOWELL ST

Mailing Address: ROCHESTER ASSEMBLY OF GOD %

> REVOLUTION CHURCH 39 SO MAIN ST STE 225 ROCHESTER, NH 03867-2755

| Λ | h | 11 | 44 | ۵ | re | |
|---|---|----|----|---|----|---|
| _ | w | u | | ㄷ | 13 | - |

Parcel Number: 0127-0036-0000 Mailing Address: GAGNE R P & PL REV LIV TRUST & CAMA Number: 0127-0036-0000

NADEAU GABRIELLE M Property Address: 53 ROCHESTER HILL RD 53 ROCHESTER HILL RD ROCHESTER, NH 03867

Parcel Number: 0132-0010-0000 Mailing Address: BARCELONA HEATHER & ROBERT JR

CAMA Number: 0132-0010-0000 13 MEADOW LN

Property Address: 13 MEADOW LN ROCHESTER, NH 03867-5051

Parcel Number: 0132-0011-0000 Mailing Address: DOUGLAS KURT J & CHERYL L IRREV

CAMA Number: 0132-0011-0000 TRUST % DOUGLAS KJ & CL

Property Address: 11 MEADOW LN 11 MEADOW LANE

ROCHESTER, NH 03867-5051

Parcel Number: 0132-0012-0000 Mailing Address: JENKINS ROBERT E III & JENKINS

CAMA Number: 0132-0012-0000 MICHELLE R Property Address: 9 MEADOW LN 9 MEADOW LN

ROCHESTER, NH 03867-5051

Parcel Number: 0133-0038-0000 Mailing Address: BIRACREE JAMES N & SHARON A REV

LIVING TRUST %JAMES & CAMA Number: 0133-0038-0000

Property Address: 13 HEMLOCK ST 13 HEMLOCK ST

Parcel Number: 0133-0039-0000 Mailing Address: DEMERS BRUCE R & MARIJO H

CAMA Number: 0133-0039-0000

11 HEMLOCK ST Property Address: 11 HEMLOCK ST **ROCHESTER, NH 03867-5038**

Parcel Number: 0133-0040-0000 Mailing Address: TRUAX KRISTEN & ANTHONY A CAMA Number: 0133-0040-0000 9 HEMLOCK ST

Property Address: 9 HEMLOCK ST ROCHESTER, NH 03867-5038

0133-0041-0000 Parcel Number: Mailing Address: BEDARD RIAN A & HEATHER M

CAMA Number: 0133-0041-0000 7 HEMLOCK ST

Property Address: 7 HEMLOCK ST ROCHESTER, NH 03867-5037

Parcel Number: 0133-0042-0000 Mailing Address: HOFFMAN MARK E & ELIZABETH H

0133-0042-0000 CAMA Number: 5 HEMLOCK ST

Property Address: 5 HEMLOCK ST **ROCHESTER, NH 03867-5038**

Parcel Number: 0133-0043-0000 Mailing Address: KEEFE RAYMOND J & JANICE A

CAMA Number: 0133-0043-0000 **REVOCABLE TRUST % TRUSTEES**

1 HEMLOCK ST

ROCHESTER, NH 03867-5038

ROCHESTER, NH 03867-5038



Property Address: 1 HEMLOCK ST





Parcel Number:

CAMA Number:

Rochester, NH January 21, 2020

Parcel Number: 0133-0044-0000 CAMA Number: 0133-0044-0000 Property Address: 87 LOWELL ST

0133-0045-0000 0133-0045-0000 Property Address: 85 LOWELL ST

ROCHESTER ASSEMBLY OF GOD % Mailing Address:

REVOLUTION CHURCH 39 SO MAIN ST STE 225 **ROCHESTER, NH 03867-2755**

ROCHESTER ASSEMBLY OF GOD % Mailing Address:

REVOLUTION CHURCH 39 SO MAIN 8T STE 225 **ROCHESTER, NH 03867-2755**