



City of Rochester, New Hampshire

Zoning Board of Adjustment

Special Exception Application

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. _____

DATE FILED _____

ZONING BOARD CLERK

Applicant: 7 Browning Drive LLC

E-mail: crberry@metrocast.net

Phone: 603-781-3403

Applicant Address: 7 Browning Drive Rochester NH 03867

Property Owner: Same as applicant

Property Owner Address: 32 Shakespeare Road, Rochester, NH 03839

Variance Address: 7 Browning Drive

Map Lot and Block No: Map 256, Lot 32-23

Description of Property (give length of lot lines): Length of property line 1,114' +/- total. See plot plan

Proposed use or existing use affected: Accessory dwelling unit to be built above the drive under garage.

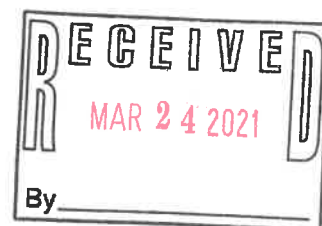
The undersigned hereby requests a special exception as provided in section 275-23.2A1 of the Zoning Ordinance to permit an accessory apartment in the R1 zone.

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 Special Exception.

Signed: _____

[Signature] MBR

Date: 3/23/21





City of Rochester, New Hampshire

Zoning Board of Adjustment

275.22 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 275.22, 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: see attached narrative.

(2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood. Yes ☐ No ☒
Reasoning: see attached narrative.

(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: see attached narrative.

(4) Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure. Yes ☒ No ☐ Reasoning: see attached narrative.

(5) The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan. Yes ☒ No ☐ Reasoning: see attached narrative.

Please check section 275.22 of the Zoning Ordinance for any additional specific conditions that apply to your Special Exception request.



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

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City of Rochester Zoning Board of Adjustment
Attention: Planning Director Shanna Saunders
33 Wakefield Street
Rochester, NH 03867

March 23, 2021

Re: 7 Browning Drive LLC
7 Browning Drive
Special Exception Request
Accessory Apartment, R1 Zone

Ms. Saunders,

On behalf of our client, 7 Browning Drive LLC, Berry Surveying & Engineering (BS&E) is submitting an application for a special exception to construct an Accessory Apartment at 7 Browning Drive in conjunction with the single family house to be built.

7 Browning Drive LLC has recently purchased the lot on Browning Drive known as Tax Map 246, Lot 32-23 with the intent to construct a new home. The customers and end users of this home require an Accessory Apartment be integrated into the project design so that the family can continue living together. The project is located in the R1 Zone which permits the use by special exception. The proposed apartment will be in the same structure, above the proposed drive under garage. The house will look like a single family home with a bonus room from the street. The following is the criteria found within the Zoning Ordinance and how the applicant complies with the criteria:

(a) It is permitted where and as specified in the Tables of Uses (by right or by special exception). However, if the accessory dwelling is detached from the single-family dwelling, it must be approved by a special exception;

The R1 Zoning Allows the use by Special Exception. The accessory apartment will be within the proposed house to be built.

(b) It is accessory to a single-family dwelling only and if detached from the single-family dwelling it is similar in architectural style;

The proposed accessory apartment will be placed above the drive under garage and made to look like a bonus room.

(c) It must be two bedrooms or less;

The accessory apartment is proposed to be 1 bedroom.

(d) It may not exceed 800 square feet;

The apartment will be less than 800 SF as it is above the proposed garage.

(e) It may be either part of the single-family dwelling or in a separate building, such as above a garage; if it is part of the single-family dwelling, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit;

The proposed accessory dwelling will be constructed above the drive under garage. An interior Door will be provided between the principal dwelling unit and the accessory dwelling unit.

(f) There may be only one per lot;

There will be only one accessory dwelling unit on the single family lot.

(g) The owner of the property must occupy one of the dwelling units and the owner must demonstrate that one of the dwelling units is his/her principal place of residence;

The owner will occupy the single family house as their primary residence.

(h) At least one parking space must be provided for the unit;

At least one parking space will be provided for the unit.

(i) 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
The proposed septic system will be designed to meet NHDES requirements for the single family unit and accessory dwelling unit. We have calculated the lot loading for the site and have determined that this is an approvable use and that a septic system can be placed on the lot.

(j) 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.

This application will be forwarded to the building inspector as a letter of intent.

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.
The specific site is an appropriate location for the use because it provides ample room for the single family home and proposed drive under garage. The proposed accessory dwelling unit will be placed above the garage so as not to increase the overall footprint of the single family home.
2. The proposal is detrimental, injurious, obnoxious or offensive to the neighborhood.



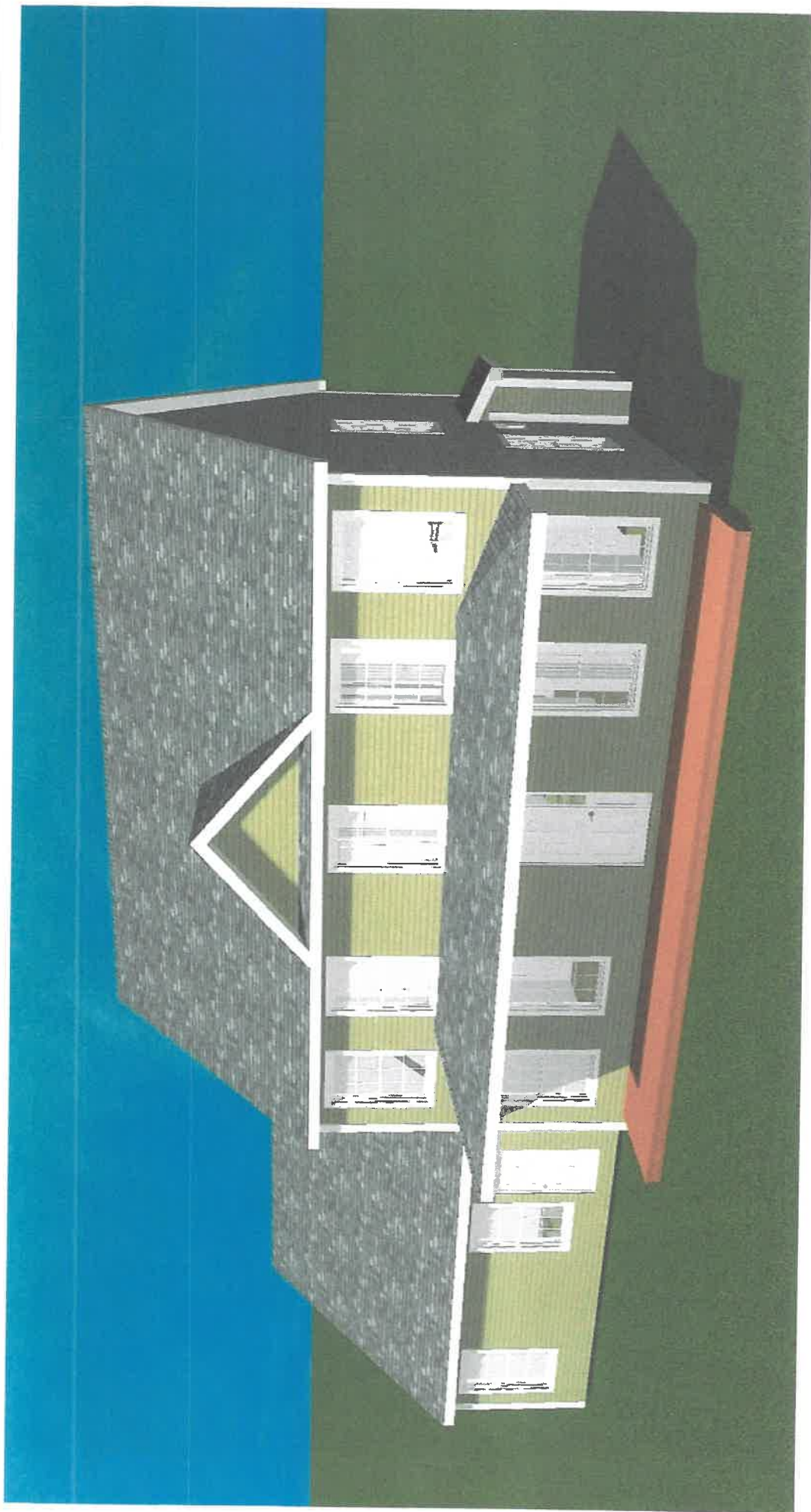
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3. There will be undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off street parking.
The accessory dwelling unit will use the same driveway and off street parking as the single family home. Ample room for parking will be provided so that there will be no adverse effect to pedestrian or vehicular traffic on Browning Drive.
4. Adequate and appropriate facilities and utilities will be provided to ensure the proper operation of the proposed use or structure.
The proposed septic system will be sized for the single family as well as the accessory dwelling unit. The water line and underground utilities will also be adequately sized for the proposed use.
5. The proposed use or structure is consistent with the spirit of the ordinance and the intent of the Mast Plan.
The proposed use is consistent with the spirit of the ordinance. The accessory dwelling unit will have the same architectural design as the rest of the structure making it look like a single family home with a bonus room above the garage. This will allow the accessory dwelling unit, while preserving the characteristics of the R1 zone.

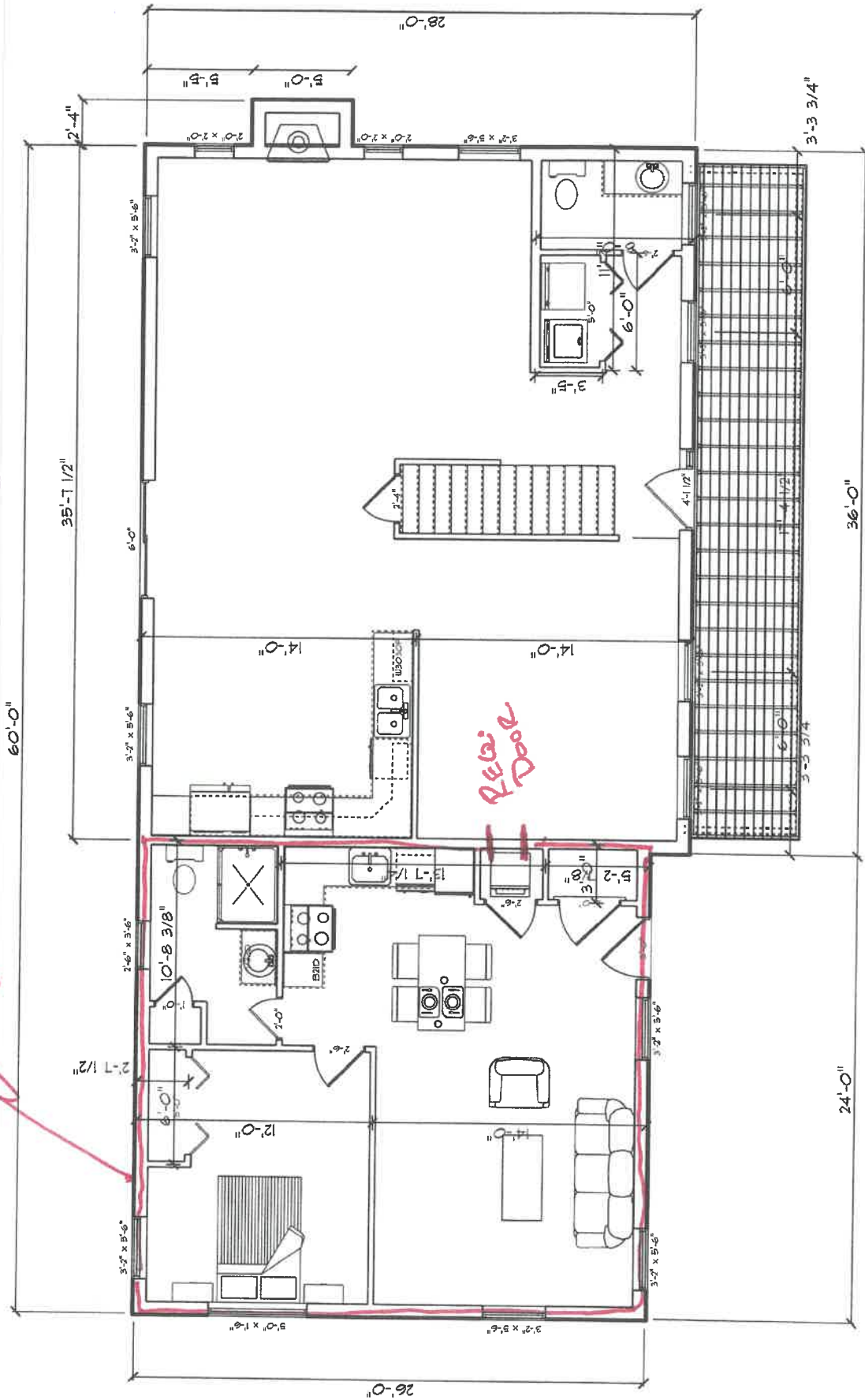
Christopher R. Berry, SIT
Principal, President



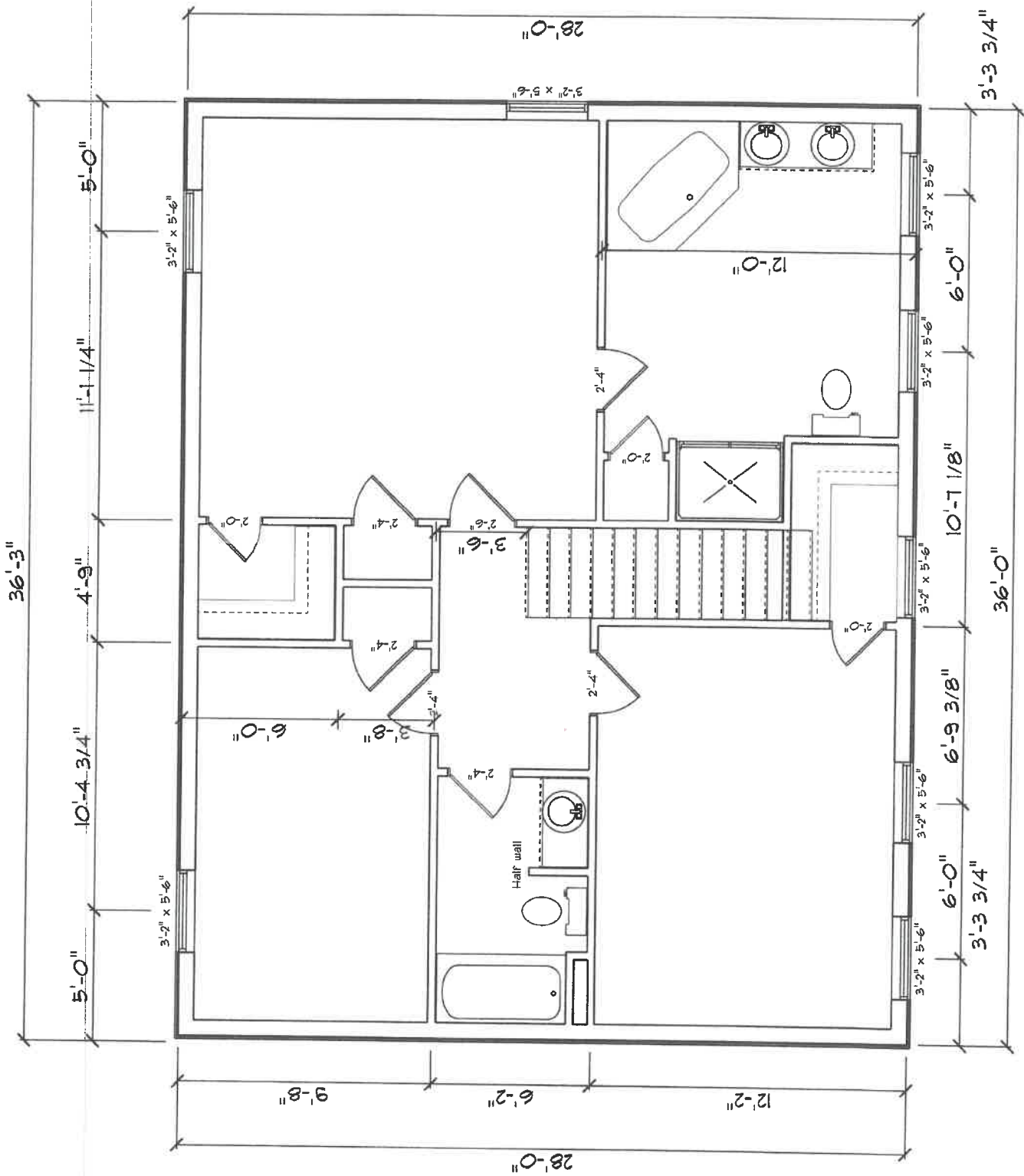
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624 Sq. Ft. Apartment



First Floor



SECOND
Floor.



