



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 4/6/21

ZONING BOARD CLERK

Applicant: GARY ROY CHICK FILL A FOOD TRUCK

E-mail: GARY.ROY@CFAMETROWEST.COM Phone: 978 870 9539

Applicant Address: 25 Quarry Lane Fitchburg MA 01420

Property Owner: LILAC MALL Tim KEMPNER

Property Owner Address: 5 MILTOWN RD- Rochester NH

Variance Address: 5 MILTOWN RD- Rochester NH

Map Lot and Block No: 222 - 94

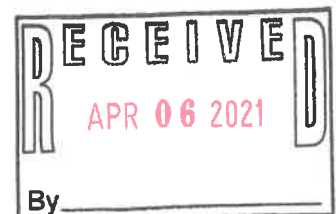
Description of Property (give length of lot lines): MALL

Proposed use or existing use affected: FOOD TRUCK

The undersigned hereby requests a special exception as provided in section Table 18-C of the Zoning Ordinance to permit a "food stand" food truck in the HC 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: Gary Roy Date: 3-23-2021

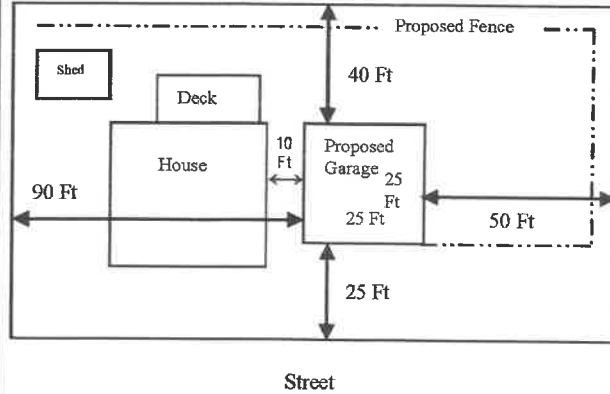


Sketch Plan

Instructions:

- 1) Show the Property lines and road(s).
- 2) Show the proposed Structure and all existing structures.
- 3) Show the Measurements from the proposed structure to all lot lines, measure straight through existing structures if needed.
- 4) Include the dimensions of the proposed structure.
- 5) If installing a fence – show the location.

Sample Plan:



SEE ATTACHED
MAPS

Signature _____

Date _____



Rochester, NH

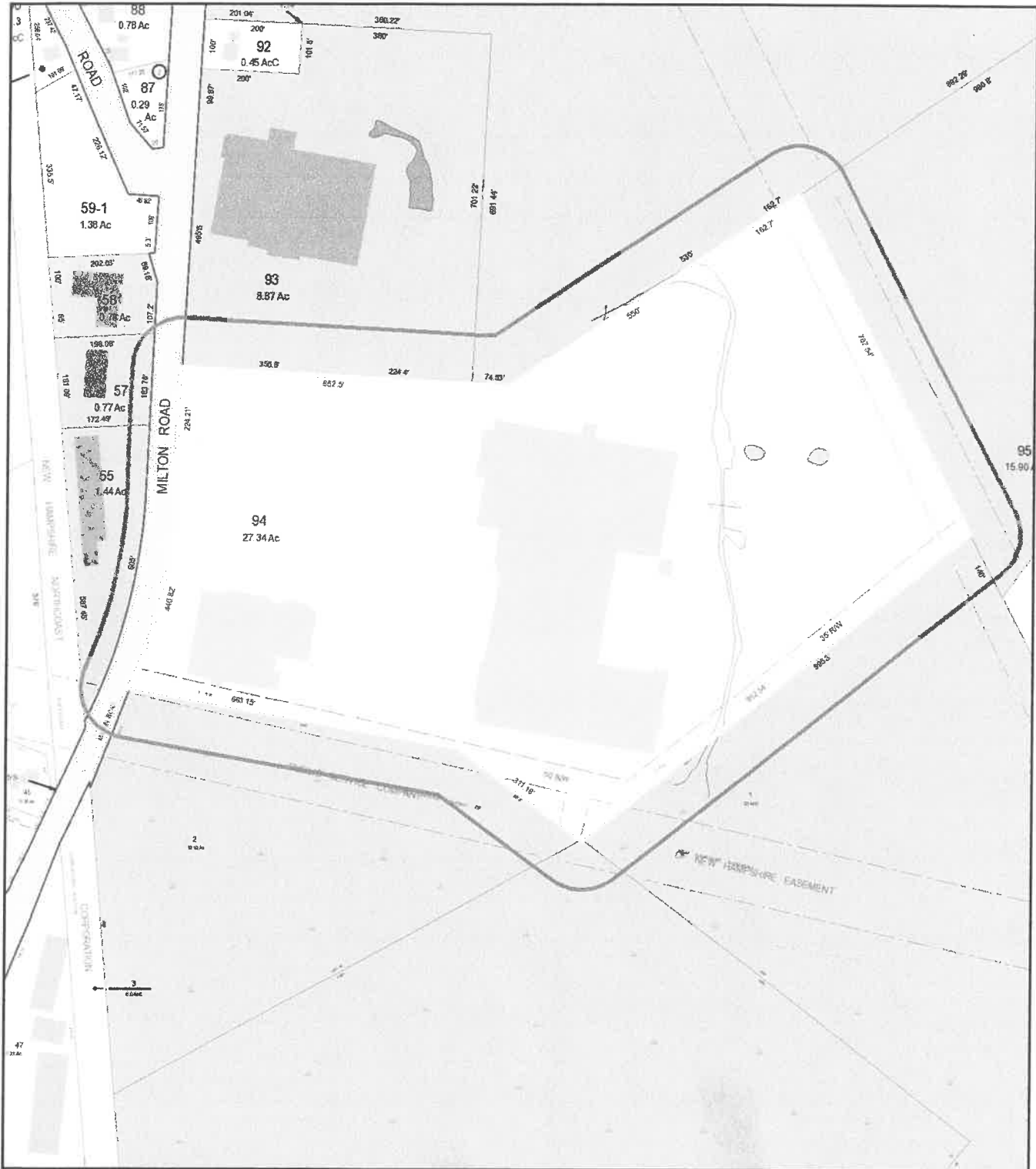
1 inch = 274 Feet



CAI Technologies
Precision Mapping. Proven Results.

0 274 548 822

March 29, 2021



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 misrepresentation of this map.



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: FOOD TRUCK LOCATED IN PARKING LOT WITH A LOT OF PARKING

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

Reasoning: FOOD TRUCK WOULD ONLY BE OPEN 11AM TO 8PM ONCE OR TWICE A WEEK

(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: THERE IS PLENTY OF OFF STREET PARKING AT THE LICKS MALL

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

Reasoning: WE HAVE OUR OWN GENERATOR

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

Reasoning: FOOD TRUCK WILL BE REMOVED FROM THE PROPERTY DAILY AND RE-ENTER ON THE NEXT BUSINESS DAY

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

Google Maps 90 Lilac Mall Rd

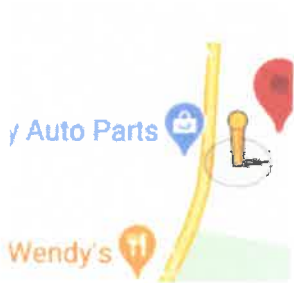


Image capture: Nov 2015 © 2021 Google

Rochester, New Hampshire



Street View



↑
Coming in from
MAIN ROAD to
4 way STOP
LEFT GOES TO Haverford
RIGHT GOES TO THE SMALL CORNER

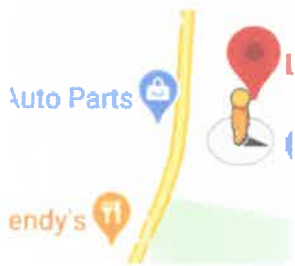
Google Maps Rochester, New Hampshire



Image capture: Nov 2015 © 2021 Google

Google

Street View



This is 4way
stop. where
I put the "X" is
where LEE ANN IS
HAVING you PARK - IN
THAT AREA

**LILAC MALL ASSOCIATES, LLC
C/O KEMPNER PROPERTIES
257 MAMARONECK AVENUE
WHITE PLAINS, NY 10605**

This shall confirm that we hereby give permission for a Chick-Fil-A food truck to operate in the Lilac Mall parking lot.



James Kempner, Managing Member

March 26, 2021

ZONING

275 Attachment 3

City of Rochester

Table 18-C Food-Lodging-Public Recreation Uses
[Amended 5-7-2019]

LEGEND

P = Permitted Use

C = Conditional Use

E = Use Allowed by Special Exception

Food-Lodging-Public Recreation Uses	Residential Districts				Commercial Districts				Industrial Districts		Special		Criteria/Conditions Reference
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS	
Cafe	—	—	P	C	P	P	P	P	—	—	—	P	Article 21
Campground	—	—	—	E	—	—	—	—	—	E	—	—	Article 22
Caterer	—	—	P	—	P	P	—	P	P	P	—	—	—
Club	—	—	C	—	P	P	—	P	—	—	—	—	Article 21
Community center	—	—	P	—	P	P	P	P	—	—	—	—	—
Conference center	—	—	C	—	P	P	P	P	—	—	P	P	Article 21
Country club	—	—	—	C	—	—	P	E	—	C	—	—	Article 21
Food stand	—	—	E	—	E	E	P	E	E	E	E	E	Article 22
Function hall	—	—	—	—	P	P	P	P	—	—	—	—	—
Golf course	—	—	—	P	—	—	P	—	—	P	—	—	Article 22
Health club	—	—	C	C	P	P	P	P	—	—	—	—	Article 21
Lodging, bed-and-breakfast	—	C	P	—	P	P	—	P	—	—	—	—	Article 21
Lodging, hotel	—	—	C	—	P	C	P	P	—	—	C	C	Article 21
Lodging, motel	—	—	—	—	—	—	P	P	—	—	—	C	Articles 20 and 21
Nightclub	—	—	—	—	P	—	P	P	—	—	—	—	—
Recreation, indoor	—	—	C	—	P	C	P	P	—	C	—	—	Article 21
Recreation, outdoor	—	—	—	C	—	C	P	P	—	C	—	—	Article 21
Recreation, park	P	P	P	P	P	P	—	P	—	C	—	P	Article 21
Restaurant	—	—	P	—	P	C	P	P	—	—	—	—	—
Restaurant, drive-through	—	—	—	—	P	—	P	P	—	—	—	—	—
Tavern	—	—	C	—	P	—	P	P	—	—	—	—	—
Theater/cinema (5,000 square feet or less)	—	—	P	—	P	P	P	P	—	—	—	P	Article 21
Theater/cinema (over 5,000 square feet)	—	—	—	—	C	—	P	P	—	—	—	—	Article 21

General Property Data

Parcel ID	0222-0094-0000	Account Number	707
Prior Parcel ID		Property Location	7 MILTON RD
Property Owner	LILAC MALL ASSOCIATES LLC % KEMPNER CORP	Property Use	SHOP CTR
Mailing Address	257 MAMARONECK AVE	Most Recent Sale Date	4/5/1995
		Legal Reference	1796-756
		Grantor	URBANEK FAMILY REV TRUST
City	WHITE PLAINS	Sale Price	0
Mailing State	NY	Land Area	27.340 acres
Parcel/Zoning	HC		

Current Property Assessment

Card 1 Value	Building Value	2,292,200	Xtra Features Value	390,200	Land Value	1,474,600	Total Value	4,157,000
Total Parcel Value	Building Value	3,151,100	Xtra Features Value	454,900	Land Value	1,474,600	Total Value	5,080,600

Building Description

Building Style	SHOPPING CTR	Foundation Type	CONCRETE	Flooring Type	AVERAGE
# of Living Units	0	Frame Type	STEEL	Basement Floor	N/A
Year Built	1979	Roof Structure	FLAT	Heating Type	FORCED W/A
Building Grade	AVG. (-)	Roof Cover	MEMBRANE	Heating Fuel	GAS
Building Condition	Average	Siding	CONC BLOCK	Air Conditioning	100%
Finished Area (SF)	198018	Interior Walls	AVERAGE	# of Bsmt Garages	0
Number Rooms	0	# of Bedrooms	0	# of Full Baths	0
# of 3/4 Baths	0	# of 1/2 Baths	31	# of Other Fixtures	24

Legal Description

Narrative Description of Property

This property contains 27.340 acres of land mainly classified as SHOP CTR with a(n) SHOPPING CTR style building, built about 1979 , having CONC BLOCK exterior and MEMBRANE roof cover, with 19 commercial unit(s) and 0 residential unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 31 half bath(s).

Property Images



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



Map 222 Lot 94

Rochester, NH

1 inch = 240 Feet

