



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. 2-21-25

DATE FILED 10/27/21

C. G.
ZONING BOARD CLERK

Applicant:

Kory Ferullo / Emma Rhodes

E-mail:

Kferullo.NH@gmail.com

Phone:

603-973-4647

Applicant Address:

19 Dodge St

Property Owner (if different):

Foster Family Revocable Trust

Property Owner Address:

25 Dodge St

Variance Address:

25 Dodge St

Map Lot and Block No:

127-120

Description of Property:

Single family, 1000 sq/ft Cape w/ 2 car garage

Proposed use or existing use affected:

Larger fence than 6 ft

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section 23.2.10(b)

and asks that said terms be waived to permit

8 ft fence

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. **I understand that while presenting my case the testimony should be confined to the 5 criteria and how they pertain to my case.**

Signed:

Date:

10/25/21





City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Criteria

1) Granting the variance would not be contrary to the public interest because:

1 side of fence would be 8ft in backyard of house (& neighbors) hardly to be seen from street. would be good quality, appealing looking fence. only to separate & block view of one adjacent neighbors back yard.

2) If the variance were granted, the spirit of the ordinance would be observed because:

it ~~is~~ would diminish the view of the neighbors yard, which has abundance of items in yard, as well as dogs who sometimes bark when seeing other dogs - just as our dog does as well.

3) Granting the variance would do substantial justice because:

we have a large dog who barks when seeing other dogs - this fence would not allow her to see into the yard (including when she's on back deck) to dec amount of bark noise at all hours.

4.) If the variance were granted, the values of the surrounding properties would not be diminished because:

the fence would be high quality, appealing looking, and well maintained. it would also add additional privacy to our residence and next door neighbors.

5.) Unnecessary Hardship:

a. Owing 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:

the neighbors have an abundance of items kept in the back yard, which is well visualized from our yard/deck. in return they are left with minimal privacy from us.

And:

ii. The proposed use is a reasonable one because:

it will not hinder their daily function or views of nature, etc. minus their ability to see what we are doing in our yard. They can still see if they wish from possible other areas. * ~~on the side~~

b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing 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.

we - and the neighbors have decreased privacy as well as increased chance of our dog barking unnecessarily at theirs and vice versa.

§ 275-23.2 **Standards for specific accessory uses.**

A.

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:

[Amended 4-4-2017]

(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;

(b)

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

(c)

It must be two bedrooms or less;

(d)

It may not exceed 800 square feet;

(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;

[Amended 3-5-2019]

(f)

There may be only one per 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;

(h)

At least one parking space must 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

(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.

(k)

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.

(l)

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.

(a)

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.

(b)

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.

(c)

Exotic animals. Keeping exotic animals as pets is an accessory use provided that one's ownership of the animals:

[1]

Does not present a safety hazard to neighbors and the public;

[2]

Does not pose a nuisance to neighbors; and

[3]

Is in full compliance with all applicable local, state, and federal law.

(d)

Livestock as pets. Keeping any small animals ordinarily defined as livestock as pets (such as chickens, but not including roosters) is an accessory use provided that:

[1]

The animal lives in the house and is treated as a household pet;

[2]

Reasonable accommodations are made for the animal in the house;

[3]

The animal does not pose a health hazard; and

[4]

The animal does not pose a nuisance to neighbors.

(e)

Horses and other large livestock. Keeping fewer than 10 horses or other large animals defined as livestock is an accessory use to a residence subject to the following standards:

[1]

The activity is not carried out as a business.

[2]

The residence is not located in the Residential-1 or -2 District.

[3]

A lot in the AG District is at least three gross acres.

[4]

A lot in all other districts is at least two gross acres.

[5]

There is an additional 1/4 acre of land beyond the minimum specified in Subsection A(3)(e)[3] and [4] above for each animal kept beyond the first one.

[6]

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.

[7]

Handling of manure/animal waste must follow best management practices and not be a nuisance for neighbors.

[8]

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.

(f)

Chickens, fowl and other small livestock. Keeping fewer than 10 chickens, ducks, rabbits, bee hives, or other small animals defined as livestock is an accessory use to a residence subject to the following standards:

[1]

The activity is not carried out as a business;

[2]

No roosters are allowed and the number of chickens is limited to fewer than 10 in the Residential-1 and -2 Districts;

[3]

No area or structure for the housing, storage of manure/animal waste, or feeding of animals shall be located within 20 feet of any abutting property lines; and

[4]

Handling of manure/animal waste must follow best management practices and not be a nuisance for neighbors.

(4)

Clubhouse, community center, recreation facilities, laundry, storage areas, and other facilities for a residential development.

(a)

The Planning Board shall review these uses for location, design, size, additional parking, and setback requirements.

(b)

These uses and facilities shall only be used by residents of the development and their guests.

(c)

There shall be no outside storage of materials or equipment.

(d)

Buffers and screening shall be used to help alleviate any adverse effects on abutting residential properties.

(e)

There shall be no emission of noise, odor, dust, vibrations, or smoke beyond property lines.

(5)

Commercial vehicles, parking of. Parking commercial vehicles outdoors overnight within residential districts is permitted as an accessory use as follows:

(a)

One small commercial vehicle, a passenger automobile, pickup truck or van, is allowed. Additional commercial vehicles may be allowed by special exception.

(b)

Other larger types of commercial vehicles, those weighing over 26,000 pounds gross vehicle weight, are permitted only by special exception subject to the property owner being able to provide adequate buffering and sound mitigation.

(c)

Adequate off-street parking must be provided. Parking shall not be within any public right-of-way.

(6)

Construction trailer. A construction trailer is allowed when used in conjunction with an on-site construction project provided that:

(a)

The placement of the trailer, including location, is approved by the Director of Building, Zoning, and Licensing Services;

(b)

The trailer is not used for living or sleeping; and

(c)

It is removed when the project is completed, terminated, or suspended for longer than four months.

(7)

Drive-through window. A drive-through window is subject to the following provisions:

(a)

It must be located at the side or rear of the building;

(b)

It is not permitted in NMU District; and

(c)

Where adjacent to a residential property at the side or the rear, the drive-through window must have a thirty-five-foot buffer with appropriate planting or screening.

(8)

Driveways. See Article 5, Residential Zoning Districts, Article 6, Commercial Zoning Districts, and Article 26, Roads and Parking.

(9)

Dwelling for farm workers. This use is allowed by conditional use. The Planning Board shall review the location, design, and density of the dwelling.

(10)

Fence. Fences, walls, and similar structures (referred to herein simply as "fences") must be in compliance with the following requirements:

(a)

A fence permit issued by the Director of Building, Zoning, and Licensing Services is required prior to the erection of any fence.

(b)

The maximum fence height (from grade) in residential districts is six feet. Greater heights may be approved by special exception.



25 Dodge Street

Rochester, NH

1 inch = 40 Feet



October 27, 2021

www.cai-tech.com



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.

CURRENT OWNER

FOSTER FAMILY REVOCABLE TRUS
% EDWARD & DOROTHY FOSTER
14 TOON LN

UTILITIES

0 CITY WATER R
0 CITY SEWER
0 NONE
UTL/ ST / TRAF
0 NONE
0 PAVED
0 LIGHT

TOPO

0 LEVEL
NEIGHBORHOOD
1302
EXEMPTIONS

ZONING

R1 RESIDENCE 1
NHBD NAME
AVERAGE SOUTH ME
Description

LEGAL DESCRIPTION

CURRENT ASSESSMENT

LUC Co
101
101
101


Description
BLDG
LAND
OB

Prior Assessed
140,900
69,800
3,000

Current Assesse
140,900
69,800
3,100

VISION

ROCHESTER, NH



SALES INFORMATION- GRANTEE		BOOK/PAGE	SALE DATE	SALE PRICE	SALE CODE	PREVIOUS ASSESSMENTS (HISTORY)			
FOSTER FAMILY REVOCABLE TRUST FOSTER EDWARD & DOROTHY	2298	791	03-27-2001	4,000	44	Year	Descr	Prior Assesse	Year
	0	0	01-01-1900	0	99	2019	BLDG	140,900	2020
							LAND	69,800	
							OB	3,000	
						Total		213,700	213,800

BUILDING NOTES												
UNF=TQS												
BUILDING PERMIT RECORD												
Issue Date	Permit Id	Description	Price	Insp Date	% C	Stat	Notes					
Appraised Building Value (Card)												
Appraised Extra Feature Value (Bldg)												
Appraised Outbuilding Value (Bldg)												
Appraised Land Value (Bldg)												
Total Appraised Parcel Value												
Valuation Method												
Total Appraised Parcel Value												
213,800												

VISIT / CHANGE HISTORY																	
Date		Id		Purpostu/Result		Notes											
12-04-2020		LA		OWN ADD CHG		PER REMITTE											
11-19-2019		LA		EXMPT OUT		FOR 2020;											
06-08-2010		TH		MEAS+INSPCTD		Q;											
03-11-2010		GN		EXMPT ADD		BL;											
05-22-2001		GN		NO INSP		D;											
06-18-1999		RW		MEAS+INSPCTD		F;											
Total Appraised Parcel Value																	
213,800																	

LAND LINE VALUATION SECTION												
B	LUC	Description	LandU	Land Type	Loc Adj	UnitPric	Size Adj	Cond	Nbhd	Nb Adj	Inf1	Inf1 Adj
1	1010	SINGLE FA	0.340	PRIMARY	P	77,500	2.65000	1.00	1302	1.000		
Total Card Land Units												
0.34 AC												
Parcel Total Land Area												
0.34 AC												
Total Land Value												
69,800												

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

Print Date 10/27/2021 1:55:00 P

Doc #

City #

County #

State #

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)									
Element	Cd	Description	Element	Cd	Description							
Model	01	Residential	Half Bath Rati									
Style	04	CAPE	Extra Fixture(s)	0								
Grade	C	AVERAGE	Extra Fix Ratin									
Stories	1.75											
Units	1											
Residential Unit	1											
Comm Units	0											
Exterior Wall 1	01	WD SHINGLES										
Exterior Wall 2												
2nd Ext Wall %	0											
Roof Structure	01	GABLE										
Roof Cover	02	RIB/CORR MTL										
Interior Wall 1	01	DRYWALL										
Interior Wall 2												
2nd Int Wall %	0											
Interior Floor 1	08	AVERAGE										
Interior Floor 2												
Basement Floor	12	CONCRETE										
% Heated	57.00											
Heat Fuel	01	OIL										
Heat Type	03	FORCED HW										
2nd Heat Type												
2nd % Heated	0.00											
# Heat Systems	1.00											
AC Percent	0.00											
Bedrooms	2											
Full Bath(s)	1											
Bath Rating	A	SAME										
3/4 Bath(s)	0											
Half Bath(s)												
Half Bath Ratin	0											
Extra Fixture(s)	0											
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)												
Code	Description	L/B Qty	Dim 1	Dim 2	Grade	Condition	Yr Blt	% Gd	Unit Price	Grade Adj.	Appr. Value	
01	SHED FRAME	L	1	10	12	B	AV	2009	80	28.15	1.15	3,100
BUILDING SUB-AREA SUMMARY SECTION												
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undepreciated Value						
BMT	BASEMENT	0	1,000	250	33.39	33,389						
FFL	ENCL PORCH	0	140	0	73.34	10,268						
GAR	1ST FLOOR	1,000	1,000	1,000	133.56	133,557						
OFF	GARAGE	0	576	0	28.20	16,243						
STG	OPEN PORCH	0	80	0	46.73	3,738						
TQS	FRAME SHED BULKHEAD/FRAM	0	64	0	30.82	1,972						
UNFIN	3/4 STORY	750	1,000	750	100.17	100,168						
WDK	UNFINISHED AREA ADJ	-750	-750	-750	0	-100,168						
	WOOD DECK	0	152	0	22.55	3,428						
Totl Gross Liv / Lease Area		1,000	3,262	1,250								
		202,595										

UNFIN (+760 sq)

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