

October 5th, 2021

City of Rochester
Zoning Board of Adjustment
33 Wakefield Street, Rochester, NH 03867



REQUEST FOR REHEARING

Names of Applicants: Ronald (USN Veteran) & Michelle Balcar

Current Address: 16 Cassily Ln, Dover NH 03820

Phone #s / Email: 713-539-1931 / rdbalcar@gmail.com
603-312-4401 / michellebalcar@gmail.com

Owner of Property Concerned: Ronald & Michelle Balcar - 16 Cassily Ln, Dover NH 03820

Location of Property: 20 Peaslee Road, Rochester, Map 253 Lot 47-13 in the Agricultural Zone

Date of Zoning Board Decision: September 8th, 2021

See attached details of the grounds on which we believe the September 8th, 2021, ZBA decision is not warranted. We feel that we were not given a chance to elaborate on our request and the Board did not ask any questions regarding our request. Only questions asked were how big the addition would be and how big the main house would be. We were not given any reasoning behind the decision.

RE: REQUEST FOR REHEARING

We appreciate the efforts made by the Zoning Board of Adjustment in hearing the Variance request by the following documents submitted in advance of the September 8th Public Hearing. The ZBA denied the request for a variance to allow the building of an accessory dwelling as they claimed the hardship prong of the variance standard was not satisfied. We think the decision was in error as there is ample evidence to support finding a hardship. In addition, the recent decision contradicts a decision made May 19, 2021 Z-21-10 *EFI Express LLC* (*See attached) to allow 1500 sq ft accessory/security apartment. I am also in the security business and work out of my home. This variance will allow me to provide better security for my entire family. In addition the accessory dwelling will be owner occupied and not rented. Furthermore, denial of this variance request will result in undo financial hardship for my family and me since then we will have to maintain two households.

ADDL Ref: Case No 2012-24 – Granted variance

Zoning Board of Appeals:

Please accept this letter as our intent to request a rehearing for a zoning variance to build an accessory dwelling on our property at 20 Peaslee Rd., Rochester, NH 03867. We are under the understanding that this variance is needed because we will be crossing the 800 square foot allowance.

We would like to add this accessory dwelling because my mom will be moving in with us and, as a senior citizen with some mobility issues, she needs the extra space to move around without tripping over any furniture. Building this will give her the ability to keep all of her current furniture and still give her the space to freely and confidently move around. It will also provide her enough space to facilitate the need for a wheelchair. At the start of the pandemic my Mom and Dad moved to an assisted living facility in Dover, NH from a 5000 sq ft house, with the understanding that we would be building a new house with an attached accessory dwelling with the ability for them to move with us so we can help take care of them. Unfortunately my father passed away June 2020 at the age of 85. My mother has taken this very hard due to the fact that she has been locked down in the facility for over 18 months. She is struggling with the loneliness and loss of her husband of 55 years. Currently there are issues at the facility and she is very unconformable staying there any longer. Her current apt is 1000 sq ft. She also has furniture in storage that will not fit in the current location. We are asking for 1300sq ft to better accommodate her furniture and the need for more space to be fully ADA compliant for further care. My Mom wants to move with us as soon as we are done with the construction. It is important to her and our family to have her with us while allowing her continued independence. We greatly appreciate your consideration in allowing us to build an accessory apartment. My wife, my son and I are the only family my mom has in the state. The next closest family is in Texas.

We have a very large lot as you can see by the attached survey at 8 acres. We believe in constructing this we would not be changing the character or aesthetics of the neighborhood. We do not believe that any of our abutting neighbors would be harmed in its construction. The proposed use will not diminish surrounding property values because the effect of the variance will be invisible from the street. It will compliment the main house as well. In addition, the variance would create an overall advantage for individual abutters by increasing property values. We are constructing a large house with an extra bedroom for a full time caretaker as well.

We have attached a survey showing the site of the new construction. We have also attached a diagram showing the elevation of the future building.

We were supported at the September hearing by Tim Noonan of TJN Inc. Tim Noonan as a citizen of Rochester himself, is in complete agreement with approval of this variance request. We have also attached several support letters from community members and abutting neighbors. We have contacted several abutters and they all are in support of this variance being granted.

We have seen other variances like this for 1500 sq ft or greater approved in the past and we hope that you can find it in your hearts to help us give my mom a comfortable and safe home.

Please do not hesitate to contact us for any additional information.

Sincerely,



Ronald and Michelle Balcar

Bennett Properties

Bennett Properties
5 Sunset Dr
Rochester, NH 03867
603.892.3523
Afbennett9@gmail.com

Rochester Planning Board

Main St Rochester NH, 03867

Dear Board Members,

I have been a lifelong resident of Rochester and as such often leery of new residents from out of state. However, after getting to know Dave and Michelle Balcar I am honored to say that Rochester is gaining a tremendous family to bolster our community.

In regards to the Balcars home design I would encourage you to understand how much our community should welcome such a beautiful design and upscale residence. David and Michelle since I met them have discussed being able to take care of Dave's Mom on premises and to ensure she would be comfortable yet have some independence. I implore you to consider their request as genuine and sincere, and allow them the flexibility to build their dream home.

Best regards,

Arnold Bennett

Owner Bennett Properties



City of Rochester, New Hampshire

Zoning Board of Adjustment

May 19, 2021

Marc Swanson
EFI Express, LLC
61 Thompson Mill Road
Lee, NH 03861

Notice of Decision

Z-21-10 EFI Express, LLC applicant seeks *Variance* from Section 23.2.A(1)(k) to allow a 1,500 s.f. accessory/security apartment where 800 s.f. is permitted by Zoning.

Location: 0 Tebbetts Road, Rochester, NH, Map 257 Lot 66 in the Industrial Zone.

On May 12, 2021, the Zoning Board of Adjustment **Granted** the Variance with the criteria as presented with the following condition:

- 1) The apartment is to be owner occupied and not rented.


Shanna B. Saunders,
Director of Planning & Development

It is the applicant's responsibility to obtain any applicable permits from local, state, and federal agencies. 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 Planning Department 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.

Cc: View Point
File



PLANNING & DEVELOPMENT DEPARTMENT

City Hall - Second Floor

31 Wakefield Street

Rochester, New Hampshire 03867-1917

(603) 335-1338 - Fax (603) 335-7585

Web Site: www.rochesternh.net

Planning & Zoning
Community Development
Conservation Commission
Historic District Commission
Arts & Culture Commission

ZONING BOARD OF ADJUSTMENT

NOTICE OF DECISION

Case No 2012-24


September 13, 2012

2012-24 Application by Matte Home Builders (Tim Matte) for a variance under Article 42.7 Section (g) pursuant to Article 42.16 Table 2 of the City's Zoning Ordinance to allow expansion of a non conforming structure.

Location: 394 Salmon Falls Road
Map 106 Lot 26 Business 2 and Residential 1 Zones

The above variance was **GRANTED** as presented, at the at the Zoning Board of Adjustment's September 12, 2012 meeting, by an affirmative vote of at least three members of the Zoning Board of Adjustment for the following reasons:

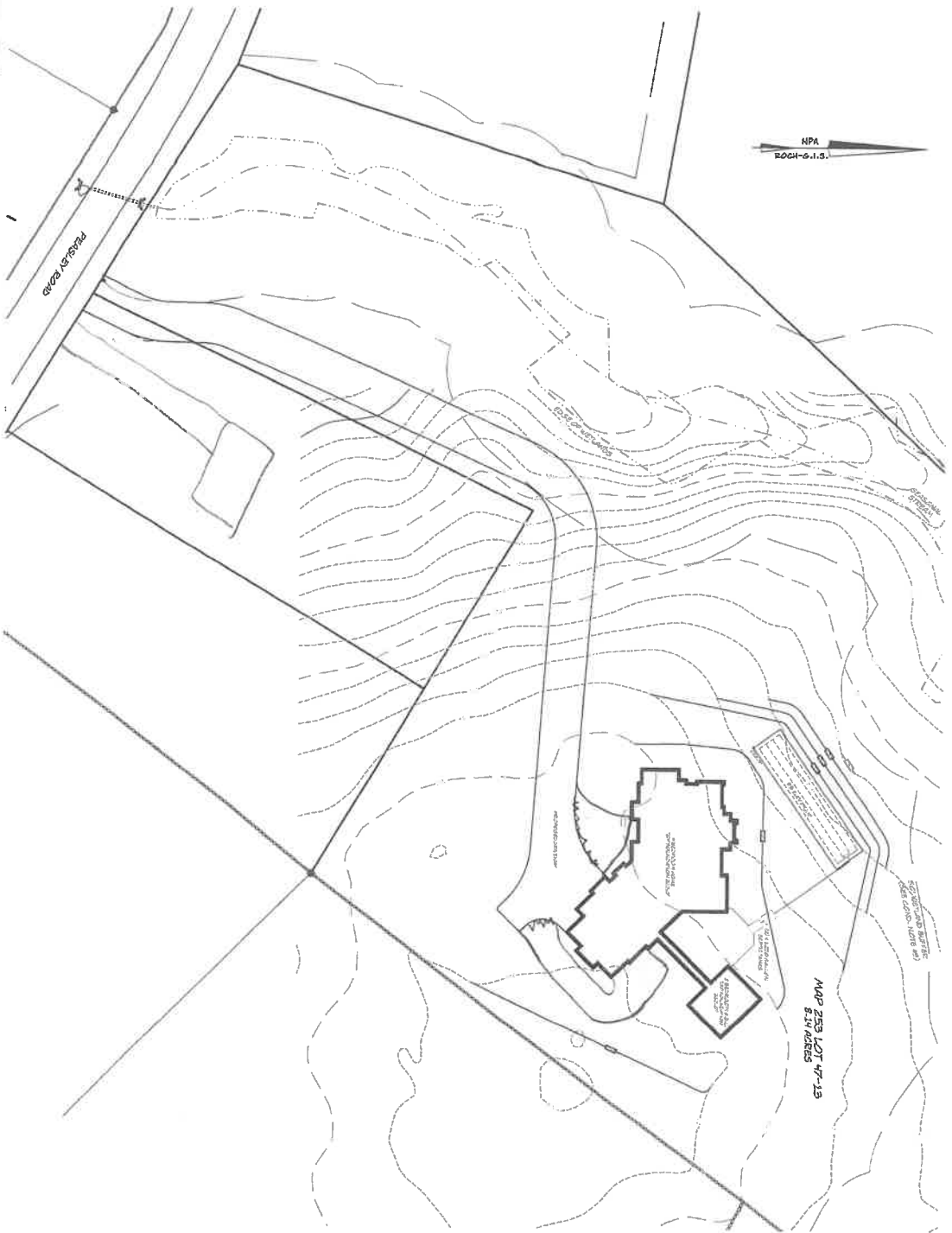
- The variance is not contrary to the public interest because it will not exacerbate undue concentration of population.
- The spirit of the ordinance is observed because it will not exacerbate undue concentration of population
- If granted, the benefit to this individual applicant outweighs any harm to the community as a whole.


Robert Gates, Acting Chair
Rochester Board of Adjustment

It is the applicant's responsibility to obtain any applicable permits from local, state, and federal agencies. Contact the City of Rochester Code Enforcement Department at 332-3508 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 Planning Department within **thirty (30) days** (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

cc: Building Safety Department
Assessing Department
Claudine & Jay White
File



DEWANE DR. MAP

31 MONMOUTH STREET, ALTON, NH 030-976-3140

NORWAY PLAINS ASSOCIATES, INC.

2 CONTINENTAL BLVD., ROCHESTER, NH 603-339-3140



THIS MAP WAS MADE FOR THE
OWNER OF RECORDS
MARK A. BERRY
148 MONMOUTH ROAD
ALTON, NH 03001
BOOK 3150 PG 777
FOR
TUNOONIAN CONSTRUCTION
1" = 30' JANUARY, 2021

PRELIMINARY SITE LAYOUT SKETCH
20 PEASLEE ROAD

ROCHESTER
STRAFFORD COUNTY
NEW HAMPSHIRE



Consultant
Address
Address
Phone
Fax
e-mail

[illegible]

ISAAC DESIGN, PLLC
ARCHITECTURE &
URBAN DESIGN
(603) 969-6711
NICK@ISAACDESIGN.COM
WWW.ISAACDESIGN.COM

Balcar COTTAGE	
PLANS	
5 - page number	2028
Date	02/04/2021
Drawn by	NI
Checked by	Checkers
A.1	
Scale	3/16" = 1'-0"