



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. _____
DATE FILED _____
_____ ZONING BOARD CLERK

Applicant: EFI Express, LLC (c/o Marc Swanson)

E-mail: support@efiexpress.com Phone: 603-732-9077

Applicant Address: 61 Thompson Mill Road, Lee NH 03861

Property Owner: Same

Property Owner Address: Same

Variance Address: Tebbetts Road

Map Lot and Block No: TM 257 Lot 66 -

Description of Property: Vacant property

Proposed use or existing use affected: Proposed to be developed into an into a high end automotive facility, specializing in custom aftermarket upgrades.

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section 257-23.2.A(1)(k) and asks that said terms be waived to permit 1500sf accessory/security apartment where 800 is allowed by zoning

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: Marc Swanson Date: 2021-02-18
Marc Swanson for EFI Express





City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Criteria

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

The building footprint and use proposed is allowed, allowing for larger than 800sf will provide adequate space for property security to occur on the proposed property.

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

The building footprint is not proposing to be altered, the security apartment area is completely internal, and will provide the owner to better serve his business and the surrounding properties with added security

3) Granting the variance would do substantial justice because:

The larger security apartment will allow the owner to provide a more adequate amount of security for the property. From the public's view, this will be unnoticeable.

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

The addition of a security to the area will provide additional value to the lot and abutters.

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:

The security office is internal, the public will not be able to notice the difference between 1300sf and 800sf from the exterior of the building.

And:

ii. The proposed use is a reasonable one because:

The 1300sf will allow the property owner to better serve his business with additional security to the area

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.



April 19, 2021

Building, Zoning, and Licensing Services
City of Rochester Planning & Development
33 Wakefield Street
Rochester, NH 03867

RE: Tax Map 257 / Lot 66
Tebbetts Road
ZBA Variance Request Letter
F&O Reference No. 20200646.A10

Dear Staff,

On behalf of our client EFI Express, LLC please find an enclosed submittal to the Zoning Board of Adjustment for a variance from the Zoning Ordinance of the City of Rochester. The parcel is identified as Tax Map 257 Lot 66, located on Tebbetts Road. We note this was submitted in February, and later withdrawn from the agenda. Resubmittal of this information is to be used in conjunction of unchanged documents from the previous submittal, to save paper. Refer to the submittal document list, at the end of this letter, for additional information.

This project is proposing the development of the existing 28.6± undeveloped lot into a high performance/specialty mechanic/ automotive facility; specializing in custom aftermarket upgrades. The use is allowed in the General Industrial (GI) zone. A 625+/- driveway will be constructed off of the north side of Tebbetts Road, accessing two buildings, paved parking, with associated grading, stormwater management, and utilities. The driveway will access two buildings, a 5,775sf service and office building, as well as a 6,000sf vehicle and parts storage building.

As shown on the variance exhibit, Building #1 is proposed to be a 5,775sf footprint (165'x35'), consisting of service and office space. Above the office, the project is proposing up to a 1,500sf security/accessory apartment. A variance for the proposed Building#1 is being requested from the following ordinances:

- ***257-23.2.A(1)(k); Standards for Specific Accessory Uses, Security Apartment - 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.***

The Gateway Building
50 Commercial Street
Manchester, NH
03101
† 603.668.8223
800.286.2469
www.fando.com

California
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

February 23, 2021

Tax Map 257 / Lot 66 – ZBA Variance Application

Fuss & O'Neill Reference No. 20200646.A10

Page 2 of 2

257-23.2.A(1)(k); Standards for Specific Accessory Uses, Security Apartment

The Property is located within the General Industrial (GI) Zone, and the proposed commercial use of high end mechanic is an allowed use. Zoning allows up to an 800sf accessory/security office. The 5,775sf footprint building is proposing to include up to a 1,500 accessory/security apartment, above the office space of the building. Due to the proposed use security is a high priority of the applicant, to ensure his client's vehicles and the onsite stored materials are protected. The proposed building is proposed to be constructed within an internal up to 1,500sf accessory/security apartment in a mezzanine fashion, where 800sf is permitted by zoning, therefore we are requesting a variance for this proposed additional square footage.

Enclosed are the following application materials:

- This Summary Submittal Letter
- One (1) Copy of the Variance Application Form
- Application Fee of **\$53.43**, payable to "The City of Rochester"
 - \$4.11 per abutter x 13 abutters = \$53.43
 - See below for the previously submitted application fee
- Three (3) Sets of Mailing Labels
- One (1) Full Size Copy of the Variance Exhibit Plans
 - Existing Conditions Plan
 - Proposed Site Plan
 - Architectural Plans of the Proposed Building
- One (1) Half Size Copy of all the Variance Exhibit Plans
- 10 Copies of the ZBA Packet for the Board, containing the following
 - Copy of this Letter of Explanation
 - Copy of the GIS/Tax Map
 - Copy of the Plans (11"x17")

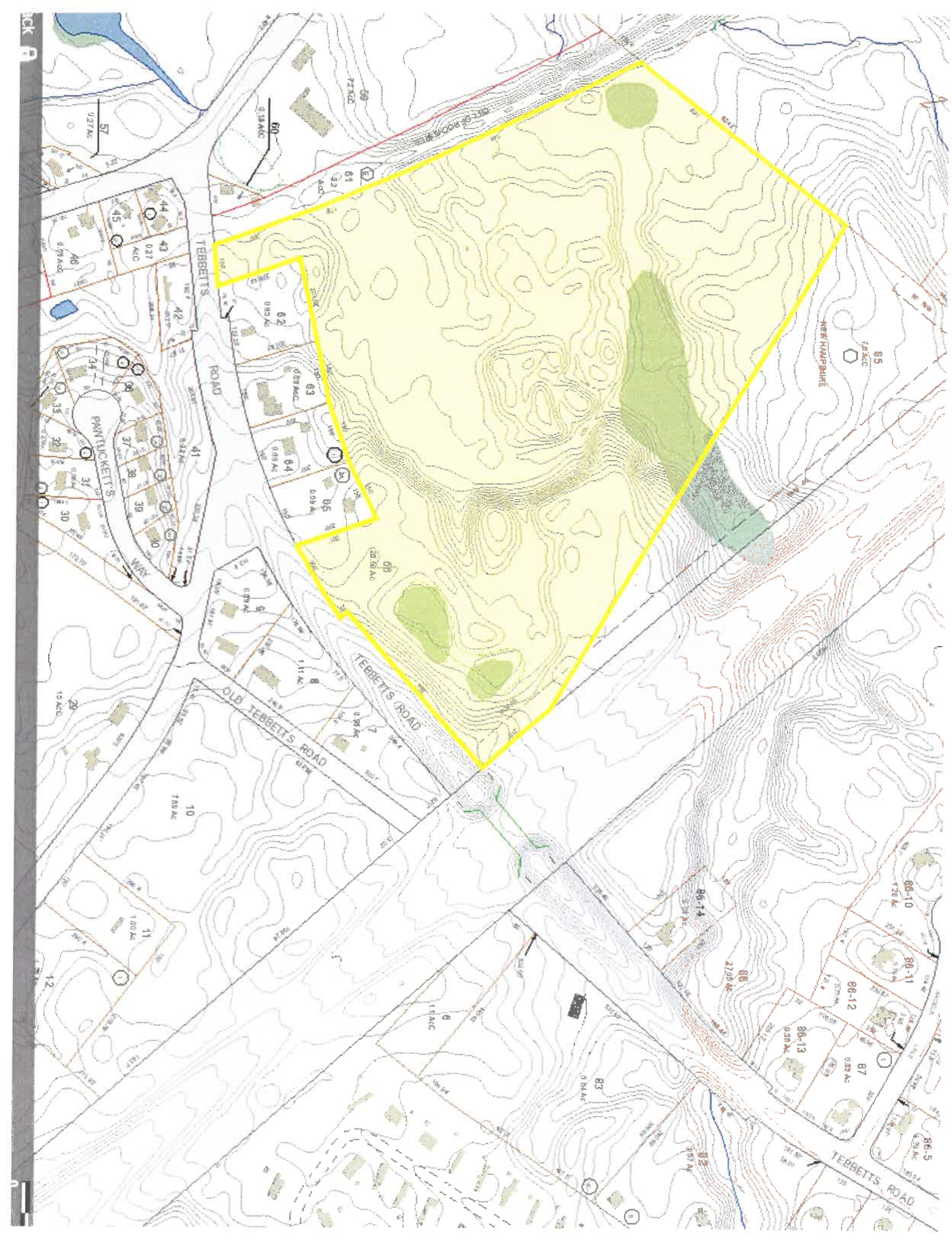
Please refer to the previous submittal to the Planning Dept. for the following materials:

- Application Fee of **\$228.43**, payable to "The City of Rochester"
 - \$175.00 ZBA Application Base Fee
 - \$4.11 per abutter x 13 abutters = \$53.43
 - Fee forfeited when withdrawn from public meeting.
- One (1) Copy of the Abutters List
- One (1) Copy of the Property Deed
- One (1) Copy of the Tax Card
- One (1) Copy of the GIS/Tax Map

Please review the enclosed applications and let us know if you have any questions or concerns. A compiled full version of the application packet will be emailed.

A. Cory DuBois
Project Engineer





Chapter 275. Zoning

Article 23. Accessory Uses

§ 275-23.1. General provisions.

The following provisions apply in evaluating proposed accessory uses, activities, structures, and situations.

A. List of accessory uses.

- (1) Accessory uses are included in this Article 23 and are generally not included in the Tables of Uses 18-A through 18-E. The principal uses listed in those tables are permitted based upon zoning district. In contrast, accessory uses are allowed if the principal use to which they are accessory is allowed. Nonetheless, some accessory uses (such as home occupations and helipads) also are controlled by zoning district or are approved by special exception, in which cases they are included in the tables.
- (2) Section **275-23.2** contains standards for specific accessory uses, activities, structures, and situations. This list is not exhaustive. Additional conditions articulated elsewhere may also apply.

B. Criteria.

- (1) If a proposed use is not listed within Article 23, the Director of Building, Zoning, and Licensing Services shall determine on a case-by-case basis whether it should be deemed an accessory use. This determination is based upon a judgment whether the proposed use:
 - (a) Is commonly or customarily observed as, or considered to be, an accessory use to the principal use;
 - (b) Is related to the principal use;
 - (c) Supports the principal use;
 - (d) Is subordinate to the principal use;
 - (e) Is in reasonable proportion to the principal use;
 - (f) Is incidental in its character; and
 - (g) Has relatively little impact, at least in comparison to the principal use.
- (2) Where appropriate, the Director of Building, Zoning, and Licensing Services may stipulate conditions or parameters for a proposed use which would reasonably render it an accessory use rather than a second principal use.

C. Accessory uses to residential uses.

- (1) Accessory uses to principal residential uses should be established for the benefit of the resident, residential development, and guests, and not for commercial purposes.
- (2) In some cases, the Director of Building, Zoning, and Licensing Services may determine that a proposed use is not an accessory use due to the particular scale or nature of the proposed use. (Example: A garage for passenger vehicles is an accessory use, but it would cease to be if the property owner stores vehicles for customers for a fee.)

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0257-0066-0000
Prior Parcel ID
Property Owner SOUTHEAST LAND TRUST OF NEW HAMPSHIRE
Mailing Address 6 CENTER ST PO BOX 675
City EXETER
Mailing State NH
ParcelZoning IND

Account Number 803
Property Location 0 TEBBETTS RD
Property Use IND DEV LAND
Most Recent Sale Date 12/20/2018
Legal Reference 4626-521
Grantor MBC TRL LLC
Sale Price 0
Land Area 28.600 acres

Current Property Assessment

Card 1 Value	Building Value 0	Xtra Features Value 0	Land Value 146,000	Total Value 146,000
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Building Description

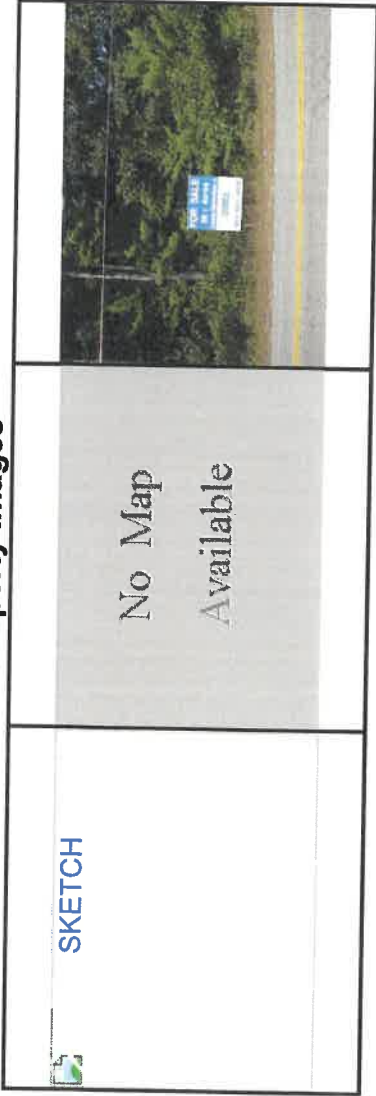
Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units 0	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition Average	Siding N/A	Air Conditioning 0%
Finished Area (SF) 0	Interior Walls N/A	# of Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 28.600 acres of land mainly classified as IND DEV LAND with a(n) N/A style building, built about N/A , having N/A exterior and N/A roof cover, with 0 commercial unit(s) and 0 residential unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



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

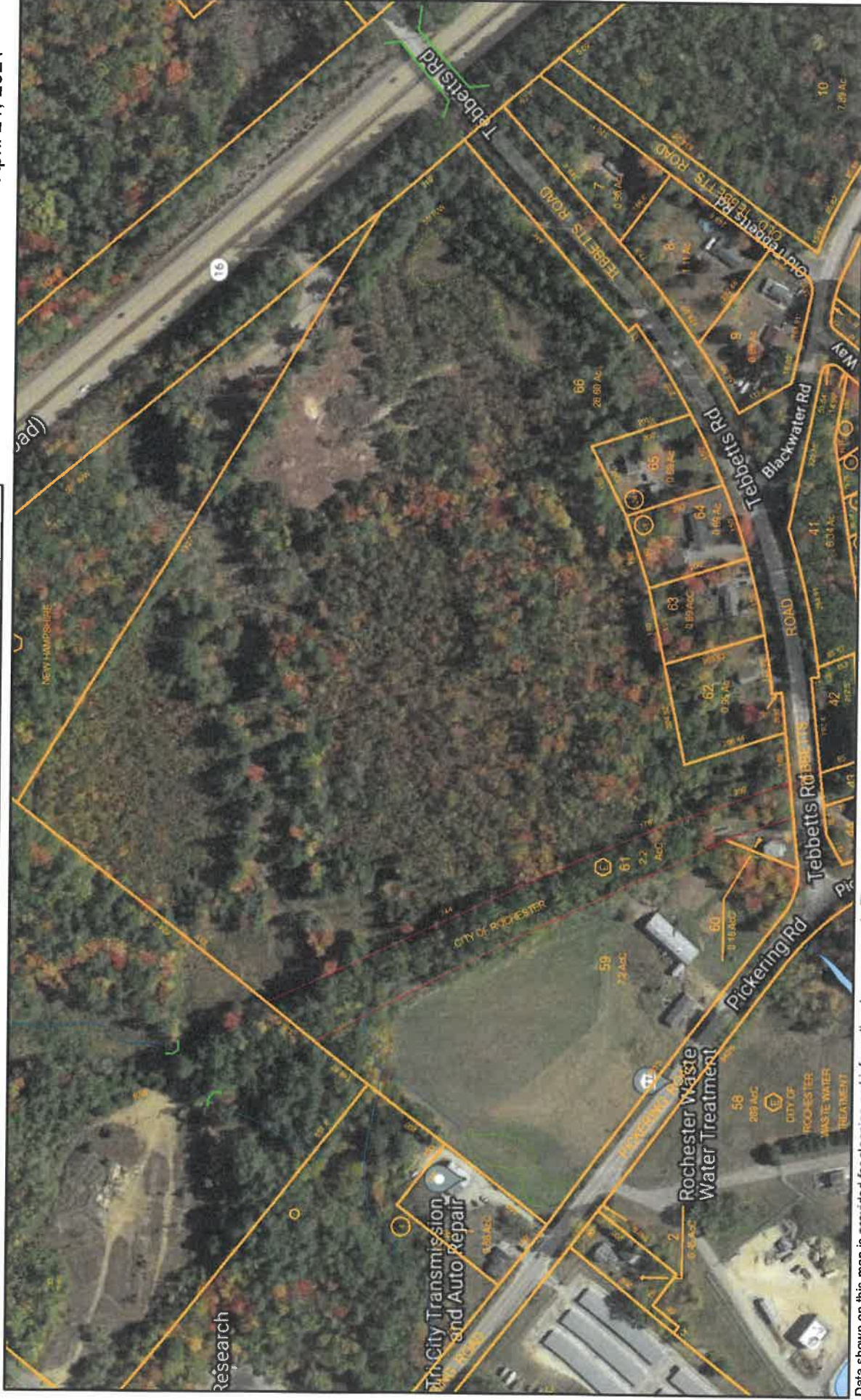


Rochester, NH

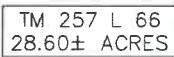
1 inch = 274 Feet



April 21, 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.




1. REFER TO SHEETS GI-101 AND GI-102 FOR RELATED PLAN NOTES.

PLANS UNDER DESIGN
DEVELOPMENT. ISSUED
FOR INTERIM REVIEW
ONLY. NOT FOR
CONSTRUCTION

SCALE:

HORIZ.:	1"=40'
VERT.:	
DATUM:	
HORIZ.:	NAD83 - NH83
VERT.:	NAVD88

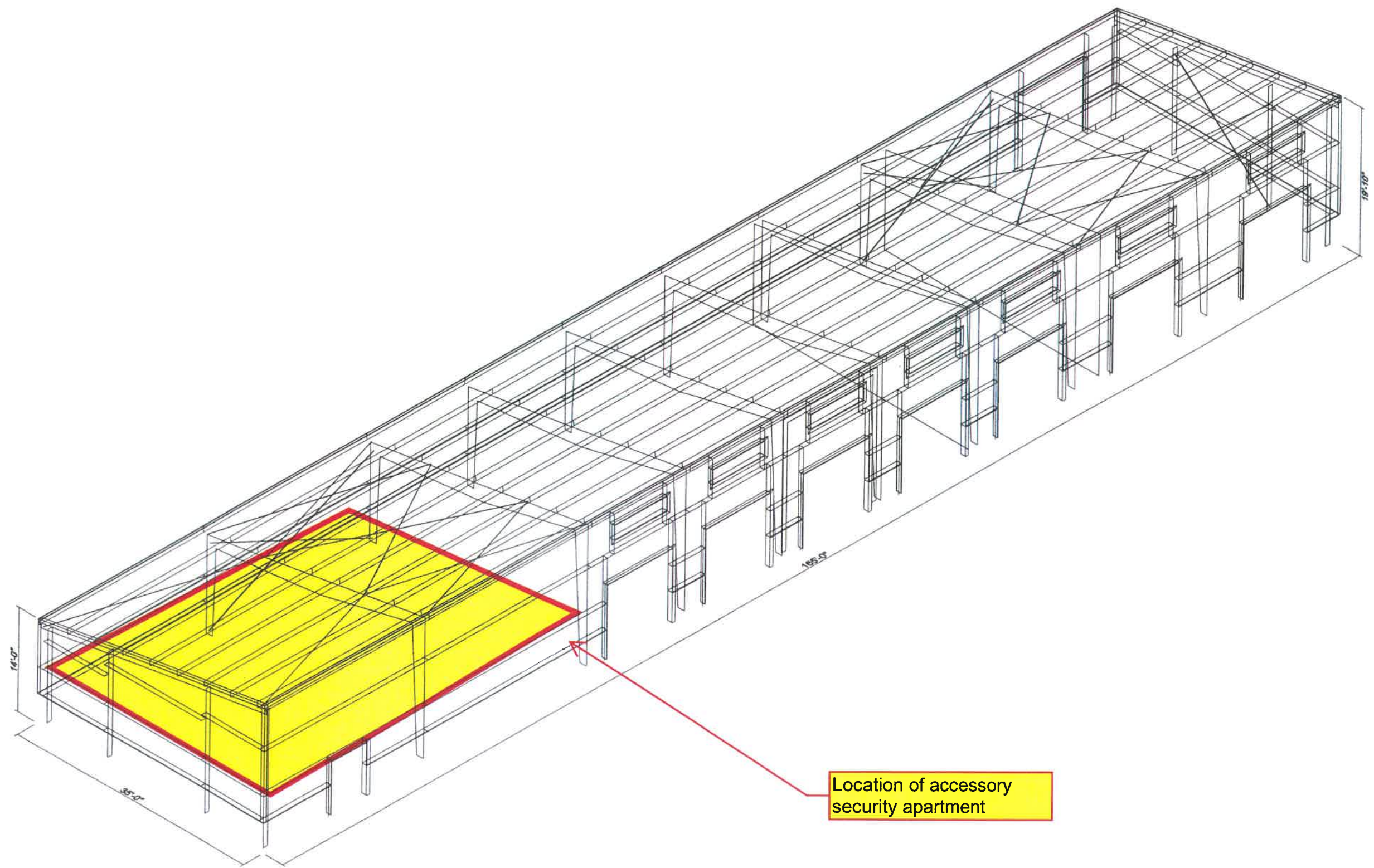


GRAPHIC SCALE

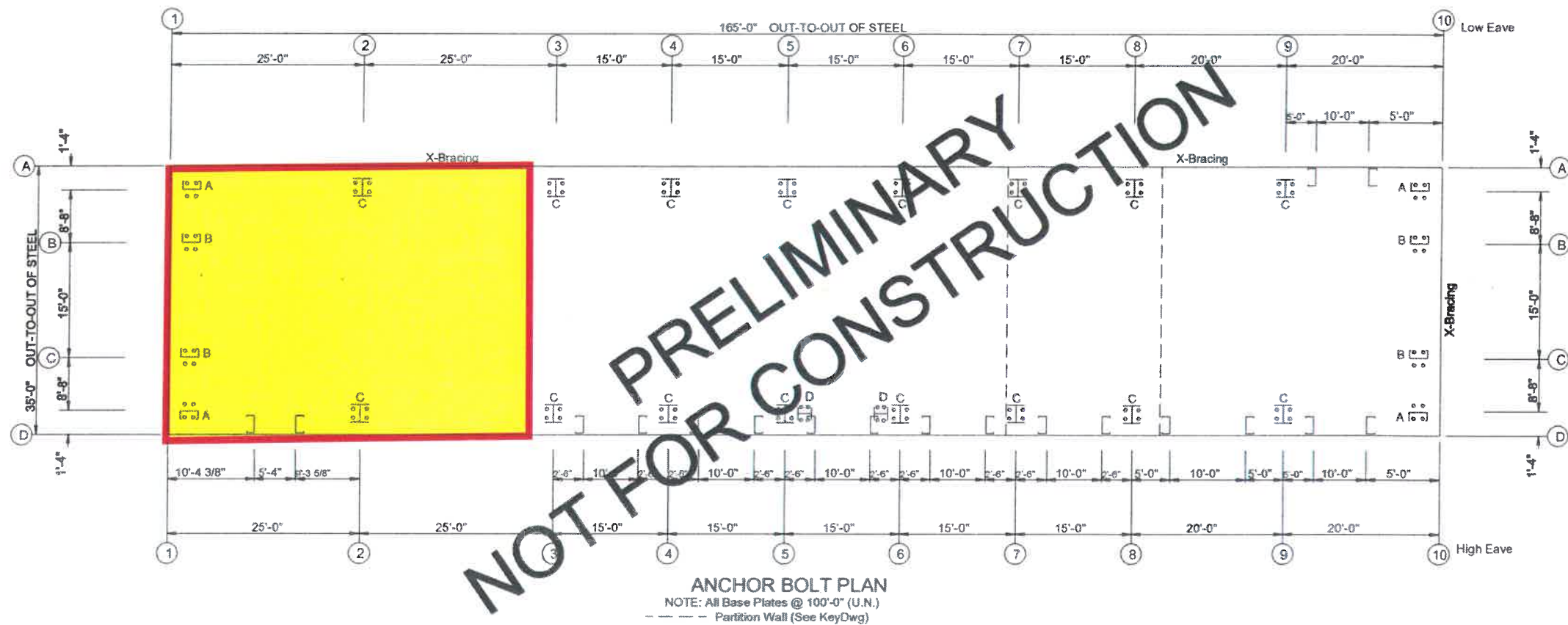


ROCHESTER

CS-101

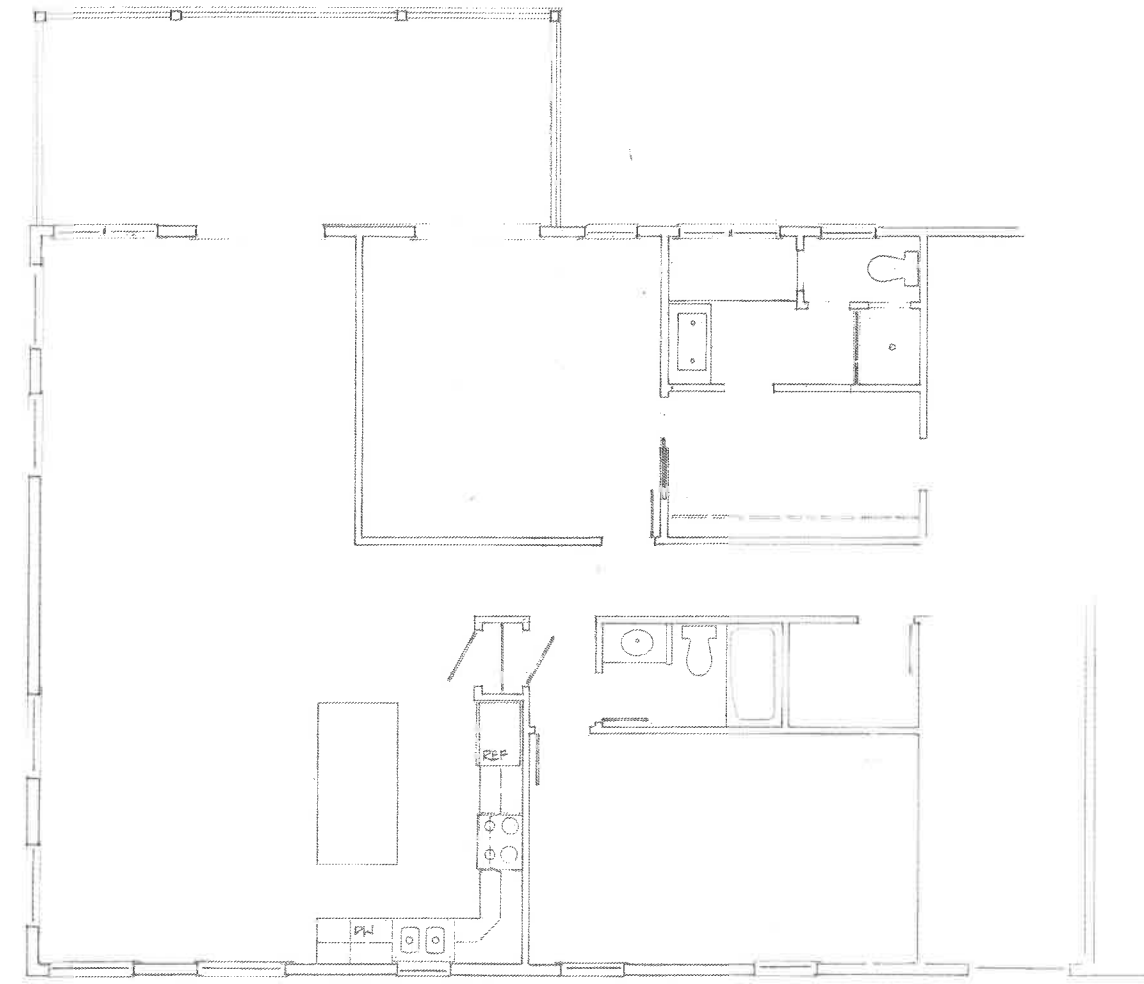
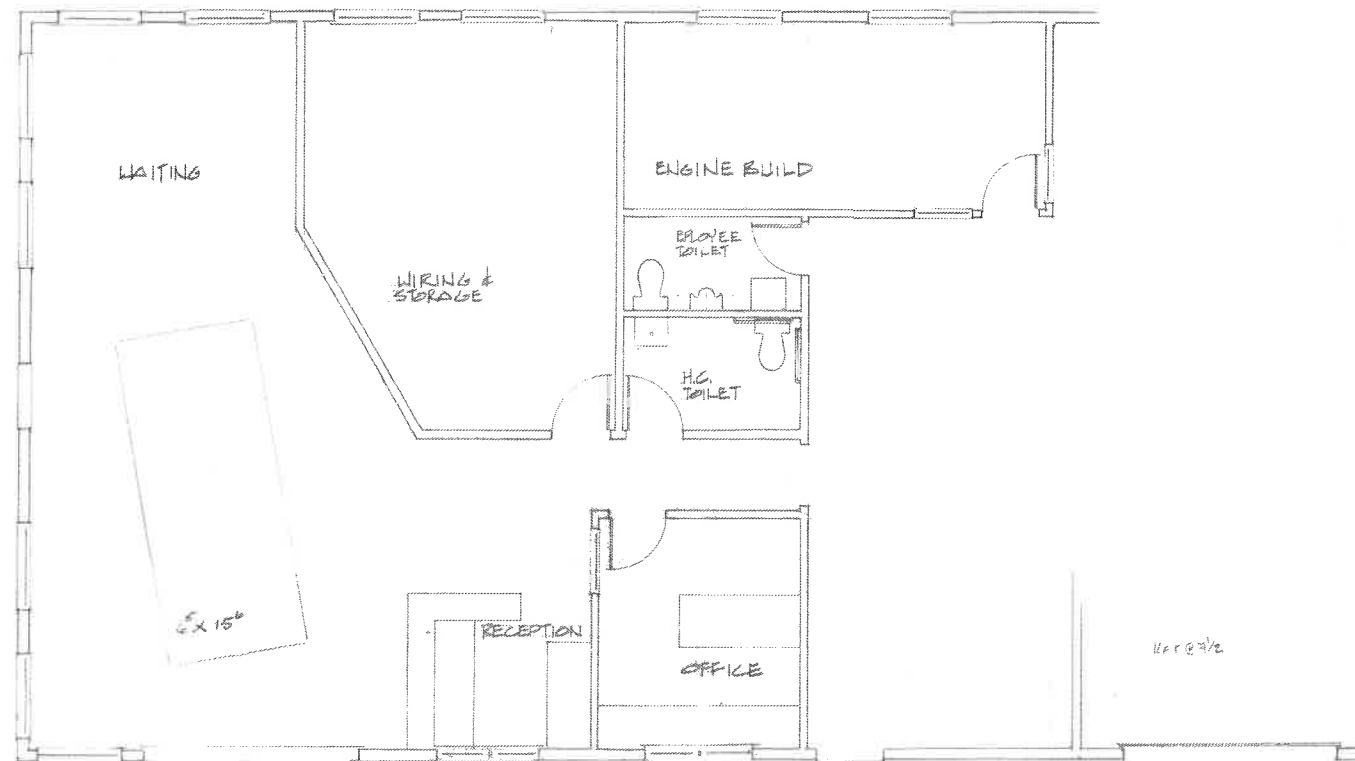


⌀ Dia= 3/4"



Rhino Steel Building Systems
06292005B-4

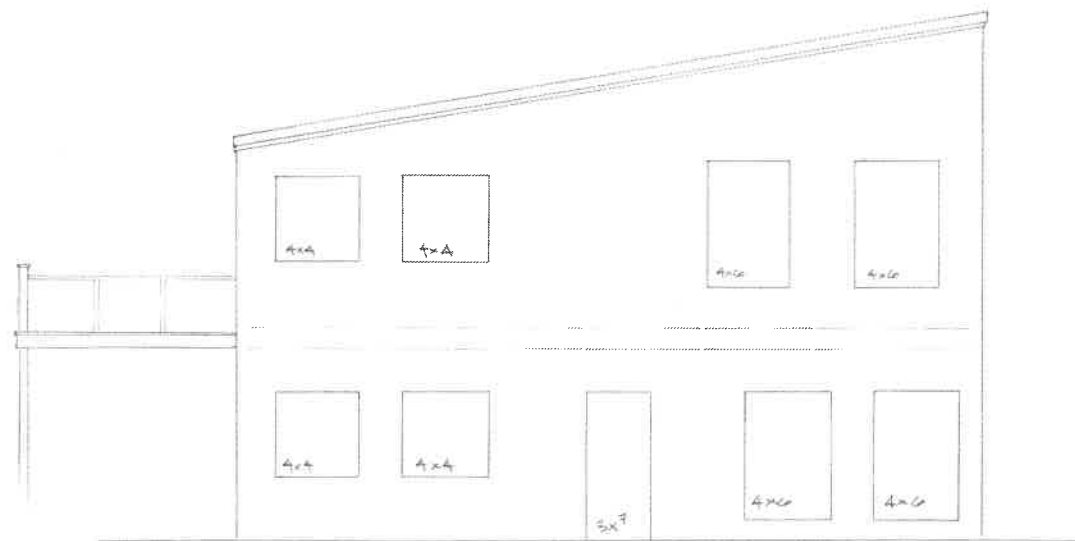
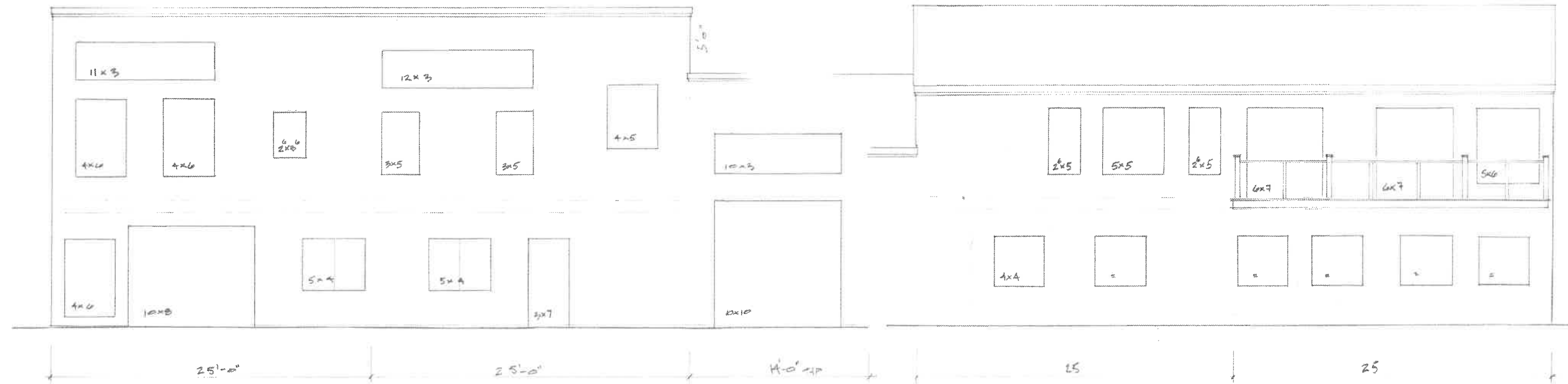
Swanson 35
03866



NEW FACILITY
EFI EXPRESS

DESIGN WUNDERLICH
R/ROBIN WUNDERLICH
ALDER BROOK WAY
LEE NH 03861
603 659 5917
603 608 7942

DESIGN
 KIRBY WUNDERLICH
 ALDER BROOK WAY
 LEE, NH 03866
 603 659 5917



NEW FACILITY
 E F I EXPRESS